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The Journal of

SOCIAL and POLITICAL STUDIES

ROGER PEARSON, *General Editor*

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U.S. DETERRENCE DOCTRINE – CONTINUATION AND CHANGE

Peter C. Hughes and Christopher M. Lehman

Strategic nuclear policy has been a continuing source of debate in the United States throughout the entire post World War II period, and the present provides no exception. However, the current debate concerning the adequacy of the nation's strategic nuclear capabilities has assumed even greater significance than at any other time during the post World War II period. The Soviet Union has now achieved what is commonly referred to as a "rough equivalence" in strategic capabilities with the United States, and there is significant evidence which suggests that the Soviets are engaged in a major effort to achieve strategic superiority over the United States. (1) If as some critics argue, then there is little reason to be concerned about this Soviet drive to achieve strategic superiority over the United States. However, if nuclear superiority does have "consequences" then there is every reason to be concerned with the present trends in the U.S.-Soviet strategic balance. It is this issue which has become the crux of the present domestic debate on U.S. strategic policy.

In the early post World War II period the United States possessed a monopoly on strategic nuclear weapons and came increasingly to rely on this strategic capability as a deterrent to offset its conventional numerical force inferiority vis a vis the Soviet Union. Even after the Soviet Union gained the capability to attack the United States with nuclear weapons, the United States' overwhelming nuclear superiority guaranteed a credible U.S. strategic deterrence posture. U.S. deterrence doctrine during the 1950's came to be known as the policy of Massive Retaliation, and it was based on the recognition that the United States had the strategic capability to inflict devastating damage on the Soviet Union without having to fear a serious reprisal on the continental United States.

Despite the early fear of a bomber – and later a missile – gap, U.S. nuclear strategic superiority increased dramatically through the 1950's and

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the early 1960's. By the middle of the 1960's, however, the trend in the U.S.-Soviet strategic balance began to shift. During the tenure of Mr. Robert McNamara as Secretary of Defense, in both the Kennedy and Johnson Administrations, U.S. policy makers gave increased attention to the fundamentally elusive question of "How much is enough?" I.e., what constitutes strategic sufficiency in the contemporary international environment? In addressing this issue the Johnson Administration had come to believe that permanent strategic ability could not be maintained unless the Soviets were allowed to "catch up" to the United States in nuclear strategic capabilities. It was argued within the Administration that the Soviet Union would never accept strategic inferiority to the United States, and that an unnecessary and expensive arms race would develop if the United States attempted to maintain its position of strategic superiority. The Johnson Administration believed further that once the Soviet Union had achieved parity with the United States, the Soviet strategic nuclear force buildup would level off and an agreement to limit strategic arms would then be possible (2). It was hoped that such an agreement would become the basis for a peaceful and more enduring soulution to global stability than what secretary McNamara considered a never ending arms race.
McNamara considered a never ending arms race.

The rationale underlying the Johnson Administration's strategic nuclear policy was based on a perception of deterrence thought to exist through a Mutual Assured Destruction capability, commonly referred to by its acronym, MAD. But MAD was more than an expression of military capability; it embraced a whole body of concepts which have become synonymous with a counter-value, minimum deterrence strategic theory. In its simplest form, MAD argues that deterrence between the Superpowers is maintained through the mutual vulnerability of each side's society(counter-value).So long as each side maintains the capability to destroy a substantial portion of the potential adversary's national resources, then both sides will be deterred from initiating a nuclear attack, and strategic stability will prevail. Inherent in this formulation of deterrence doctrine, its advocates argue, is the answer to the question of how much is enough. Proponents of MAD claim that the level of strategic nuclear weapons necessary to destroy a certain percentage of an adversary's national resources, can be readily calculated – and if that were the case a level of sufficiency (for minimum deterrence) could be defined. It was, then, in part this belief which explains why the Johnson Administration felt that the U.S. did not have to maintain strategic superiority over the

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Soviet Union. Once those forces which constituted a minimum deterrent had been acquired, anything beyond that level was at best wasteful and at worst provocative. Although these facts appeared "self-evident" to U.S. policy makers, towards the end of the Johnson Administration's tenure there was growing domestic concern in the United States about the trends in the U.S.-Soviet strategic balance. By 1968 the Soviet Union was approaching strategic parity with the United States, but there were no signs that the Soviet stratigic balance then, raised some important questions concerning the political and military implications of a possible shift in the nuclear balance:

1) Would Soviet nuclear parity or superiority threaten the viability of the U.S. deterrent?

2) Would such a situation confer political and military advantages on the Soviet Union?

3) Could the U.S. prevent the Soviet Union from achieving strategic parity or superiority, and if so, should it do so?

During the 1968 campaign the Republican Party's presidential candidate, Richard Nixon stated that he would return the U.S. to a position of unquestioned nuclear superiority. (4) Once elected, however, Nixon expressed the belief that U.S. strategic superiority was no longer feasible, and that the U.S. should instead pursue a policy alternately defined as "strategic sufficiency" or "realistic deterrence". (5) There were at least three reasons on which Nixon based this decision:

1) A pursuit of superiority would have been economically impractical since it would have required substantial increases in defense spending at a time when defense spending was encountering increasing domestic opposition.

2) A number of studies had demonstrated that superiority was probably unattainable since the Soviets would be likely to offset any increases in U.S. strategic forces.

3) There was fear that any attempt on the part of the U.S. to regain superiority would be likely to trigger an arms race and as such would lead to greater instability. (6)

Thus, early in his Administration, and the political campaign rhetoric notwithstanding, Nixon accepted as inevitable nuclear parity between the U.S. and the Soviet Union.

Over the course of the next several years, the Nixon Administration developed and enunciated a strategic policy designed to take account of the

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new military relationship between the Super Powers. The Soviet Union had achieved a rough parity with the U.S. in strategic capabilities and there seemed little prospect of the U.S. regaining a substantial nuclear superiority again without incurring what by the Administration were perceived to be unacceptable political and economic costs. At the same time, however, the Administration realized that allowing the Soviet Union to gain superiority would have serious political and perhaps even military consequences, and as a result the Administration through various spokesmen argued forcefully that under no circumstances should the U.S. allow its strategic nuclear forces to become inferior to that of any other nation. (7)

The initial concern over the consequences of possible Soviet nuclear superiority were based on the belief that such a situation would strengthen the already existing image of a declining American role in world affairs and provide leverage to the Soviet Union. This concern was clearly reflected in the testimony of Admiral Thomas H. Moorer, Chairman of the Joints Chiefs of Staff, before the Senate Armed Services Committee in 1972. Admiral Moorer argued that quite aside from the military risks, "the mere appearance of Soviet strategic superiority would have a debilitating effect on our foreign policy and negotiating posture which would erode the confidence of our friends and allies." Furthermore, according to Admiral Moorer's testimony, an adverse political repercussion would be felt "even if this (Soviet) superiority would have no practical effect on the outcome of an all-out nuclear exchange." That same year, Secretary of Defense Melvin Laird echoed Admiral Moorer's concern in his February 1972 defense posture statement to the U.S. Congress, noting that:

> It would be diplomatically and politically unacceptable for the U.S. to allow the Soviets to achieve a large numerical superiority in both land-based and sea-based strategic missiles. (8)

The relative size and capabilities of U.S.-Soviet strategic forces were also held to be important for military reasons. According to these proponents, if the Soviets were permitted to maintain a substantial quantitative superiority over U.S. strategic forces, and if this quantitative superiority were combined with Soviet qualitative improvements such as an accurate MIRV warhead, then the Soviet Union would gain a definite and substantial strategic advantage over the U.S. should deterrence fail and nuclear war erupt. A Soviet MIRV capability, when linked with the throw weight of Soviet missiles, would give the Soviet Union a significant counterforce capability which would enable the Soviet Union to undertake a pre-emptive strike against the

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U.S. land-based ICBM's. Thus, the fear existed among some Administration officials that in a crisis situation the risk of nuclear war would be substantially increased if Soviet leaders "came to view the outcome of a strategic exchange as favorable to the USSR."

This concern over relative U.S.-Soviet strategic capabilities was reflected in the Nixon Administration's four criteria for "sufficiency," prepared in a classified National Security Council Study Memorandum (NSSM-3), and first made public by Secretary of Defense Laird in early 1971. According to the criteria for "sufficiency" the United States must:

1) Maintain an adequate second-strike capability to deter an all-out surprise attack on the nation's strategic forces.

2) Provide no incentive for the Soviet Union to strike first in a crisis.

3) Prevent the Soviet Union from gaining the ability to cause considerably greater urban-industrial destruction than the U.S. could inflict on the USSR in a nuclear war.

4) Defend against damage from small attacks or accidental launches. (9)

The third criterion was especially significant as it further demonstrated the Nixon Administration's movement away from an "Assured Destruction Only" strategy and the early movement toward a policy which later came to be known as "Essential Equivalence." The Nixon Administration therewith came to recognize that relative capabilities were an important consideration in assessing the strategic balance.

The concept of equivalence was further developed in the period following the approval of the SALT I Interim Agreement. In response to critics who charged that the Soviet Union was given an unfair advantage by the terms of the Interim Agreement, U.S. officials maintained that the Soviet advantage in numbers and throw weight of missile launchers was offset by U.S. superiority in numbers of warheads, accuracy, and yield-to-weight ratio. These official argued that the terms of the Interim Agreement provided a rough parity between the strategic forces of the two sides. However, because the U.S. advantages at SALT I were temporary or waning ones, while those of the Soviets were not, the U.S. Senate (with Administration support) added an amendment to the legislation approving the SALT treaty. This amendment, the so-called Jackson Amendment, provided a congressional mandate for the continuation of a policy of equivalence by directing the President to seek in any future arms control agreement terms that

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"...would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union." (10)

In the President's Foreign Policy Report, the following year (1973) the term "essential equivalence" was used for the first time. It was identified as a major objective of U.S. policy and as a framework for a more permanent SALT agreement. Secretary of Defense James Schlesinger elaborated on the concept of equivalence in his FY'75 & FY'76 posture statements. Secretary Schlesinger argued that an exact symmetry in strategic forces was not necessary, and instead maintained that the overall capabilities of U.S. strategic forces should be a "match" for the overall power of Soviet strategic forces. Furthermore, according to Schlesinger, the Soviet strategic forces should not enjoy a wider range of "options" than those of the United States. Although Schlesinger refrained from delineating a specific level and combination of forces that would represent "essential equivalence," he did cite three general criteria which would be necessary to maintain essential equivalence between the strategic forces of the superpowers. These criteria were that:

1) Both sides should maintain survivable second-strike reserves.

2) There should be a symmetry in the ability of each side to threaten the other, including counterforce options.

3) There should be a perceived equality between the offensive forces of both sides. (11)

Despite Secretary of State Kissinger's efforts to minimize or deny the significance of strategic superiority, (12) Essential Equivalence continued as an important element in the strategic policy of the Ford Administration. Indeed, the Vladivostok Accord represented an important contribution to the development of Essential Equivalence by at least establishing the principle of equality in aggregate numbers as the basis for a SALT II agreement. Equality in numbers alone, however, does not adequately meet U.S. objectives, since such a measurement is an inadequated indicator of actual capabilities, and it is in this area of strategic capabilities that both powers must have "equivalence" if strategic stability is to be maintained.

The guidelines set forth at Vladivostok do not represent the actual terms of an arms control agreement but, instead are general principles which establish an overall framework within which a detailed agreement is to be worked out. According to the Vladivostok guidelines the U.S. and the Soviet

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Union will each be permitted to deploy an aggregate total of 2,400 strategic offensive delivery vehicles (including ICBM's, SLBM's, and long-range bombers). The guidelines give each nation the freedom to determine the mix of forces within the aggregate total. In addition, a ceiling of 1,320 was placed on the number of missiles that would be permitted to carry MIRV's.

The Ford Administration hailed the Vladivostok guidelines as a major breakthrough, and President Ford himself stated that a formal agreement based on these guidelines would "cap the arms race." But despite the important contribution of the Vladivostok guidelines towards the principle of equality as the basis for a future more permanent SALT agreement, serious deficiencies exist, and in many ways compound the problems arising from SALT I.

Under the Vladivostok guidelines the Soviet Union would still be permitted to deploy substantially more missile throw weight than the United States. This throw weight advantage, in combination with MIRV technology, will provide the Soviet Union with the capability to destroy a major portion of the U.S. land-based ICBM's in a surprise first strike, while retaining a major portion of its ICBM force for post attack deterrence. It is this capability which the United States, because of its own restraint, has denied itself, and through SALT has sought to deny it the Soviet Union. Moreover, a significant counterforce capability, at the level the Soviets will achieve by the end of this decade, threatens the principle of the United States deterrent concept by undermining the U.S. retaliatory capability. In this context, Vladivostok failed to come to grips with yet another issue that is directly related to the Soviet effort to achieve nuclear superiority over the United States – it is the issue of civil defense. A major Soviet counterforce capability in conjunction with both an active and passive civil defense program (which would be particularly effective against the primarily soft target forces in the U.S. retaliatory arsenal) jeopardizes strategic stability by negating two central components, of U.S. deterrence theory, i.e., the principle of mutual vulnerability and a credible second strike capability. These and other unresolved issues at Vladivostok presage continuing difficulties for achievement of an early SALT II agreement if the principle of Essential Equivalence is to be pursued by the newly elected Carter Administration.

* * *

The concept of equivalence faced a referendum of sorts in the United

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States Senate in 1976, and was reaffirmed as a sound basis for an arms limitation agreement.

During 1976 Detente came under increasing criticism and a number of Senators introduced a resolution which would reaffirm the importance of Detente between the United States and the Soviet Union. This resolution, first entitled "The Importance of Sound Relations With the Soviet Union" was brought to the floor of the Senate without formal hearings in March of 1976. The resolution was generally worded and was designed to indicate continuing support for the Detente relationship and the early conclusion of a SALT II agreement, and the resolution's sponsors had hoped that it would receive prompt approval by the Senate. However, when it became apparent that a large number of Senators were prepared to amend or even vote against the resolution it was withdrawn.

On May 5, 1976, after hearings by the Senate Foreign Relations Committee, and after substantial and substantive change, the resolution once again came to the floor of the Senate for consideration. Unlike the broad sweeping rhetoric of the first resolution, this second version – now only entitled "Relations with the Soviet Union" instead of "The Importance of Sound Relations with the Soviet Union" – stipulated that the future and follow-on agreement to SALT I lead to:

- Balanced strategic arms limitation through congressionally approved agreements containing *verifiable stipulations.*
- Demonstrate *mutual restraint* and commitment to peace.

Most importantly, however, an amendment was attached to the resolution which sought once again to reaffirm the principle of Essential Equivalence as the cornerstone of the U.S. strategic posture, as it had been expressed in the Jackson Amendment to the SALT I treaty. Using the language of the Jackson Amendment, the proposed Allen-Byrd Amendment stated:

> "...any future treaty or agreement between the United States and the Soviet Union shall not limit the U.S. to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union."

Before offering this amendment, there had been extensive discussion as to the advisability and wisdom of allowing a vote on the issue. The defeat of the amendment, or even a large vote in opposition to it, it was feared, would provide a major setback for the policy of Essential Equivalence. Despite this misgiving, the amendment was offered and accepted by a resounding 91 to 0 vote. Further, to prevent misunderstanding as to what the Senate had actually voted on in approving the amendment, Senator

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Dewey Bartlett (R-Okla) immediately after the vote on the amendment sought clarification by raising the issue of what was meant by the bottom line of the resolution which read: ". . . the United States must remain unchallengeably strong militarily. . ." As with "equivalence" and "parity", Senator Bartlett felt that "unchallengeably strong militarily" deserved a precise definition so as to avoid any potential ambiguity. The exchange between Senator Bartlett and Senator Hubert Humphrey (D-Minn), the floor manager

> Senator Bartlett: "On Page 5 on the very bottom line the resolution says: . . . the U.S. must remain unchallengeably strong militarily . . . Will the Senate tell me what that means? Does that mean the U.S. militarily would be No.1, or second to none, or exactly how would he describe it?"
>
> Senator Humphrey: "I think as to the rather unique word "unchallengeably" strong. . . it simply means that the Senator and I should say as boys that no one on the block can whip us."
>
> Senator Bartlett: "We are No.1; is that what it means?"
>
> Senator Humphrey: "It means we are the toughest of the lot. That is it. I hope it is No.1. That is the only way that I know to be "unchallengeably strong". I never had the chance to be No.1, but I like the language." (14)

While this debate offers only a superficial view of the complex concepts inherent in the policy of Essential Equivalence it is, nonetheless, important. The Allen-Byrd Amendment, and the debate which followed, not only reaffirmed the Jackson Amendment, but it left no doubt that a permanent SALT agreement – if the Congressional mandate was not to be ignored by the Executive – would have to be based on the concept of Essential Equivalence, i.e., an equality in actual strategic capabilities between the United States and the Soviet Union.

Thus, by the close of the Ford Administration U.S. strategic policy had completed a major transition from the strategic nuclear policy of the 1960's. Relative capabilities of opposing strategic forces had come to be considered an important factor as the United States was confronted by the prospect of the Soviet Union forging ahead in strategic capabilities. Morevoer, both the Congress and the Executive were using "equivalence" as the ultimate criteria for measuring the strategic balance, the adequacy of the U.S. strategic force posture, and U.S. objectives at SALT.

* * *

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The election of President Carter has once again brought about a major reassessment of U.S. strategic objectives and requirements. Early in his presidential campaign Governor Carter seemed to advocate "equivalence" as the continuing cornerstone of U.S. strategic policy, and as such he appeared to embrace the strategic policy of the Nixon-Ford Administration. In particular, Governor Carter appeared to accept his predecessor's rejection of the MAD-minimum deterrence" doctrine, as inadequate for U.S. national security requirements. Since his election, however, President Carter's public policy pronouncements, when considered within the context of some of his major political appointments, and other Carter Administration decisions, suggest that the new Administration may, in fact, be seeking a major shift in U.S. strategic policy.

The confirmation hearings of Mr. Paul Warnke, as the senior U.S. negotiator for SALT and for the position of Director of the Arms Control and Disarmament Agency, brought into focus the ambiguity and concern for the Carter Administration's position on U.S. strategic policy. In hearings before both the Senate Foreign Relations and Armed Services Committees Mr. Warnke was extensively questioned about his earlier writings on strategic policy, which reflected his advocacy for a minimum deterrence posture for the United States. Mr. Warnke in his writings and earlier testimony before various Congressional Committess, had argued that "even substantial nuclear superiority short of nuclear monopoly could not be a decisive factor in any political confrontation between the United States and the Soviet Union. (15) He had argued further not only that numerical force strength comparisons were "militarily meaningless" but that "numbers are totally irrelevant to our security in the strategic arms field." (16)

This position, that nuclear superiority is politically and militarily without significance, grows out of the earlier discussed relief that once the United States has the capability to destroy a given number of Soviet political, military and industrial targets, anything beyond that capability is excess, and as such useless. According to Mr. Warnke:

> What really counts for deterrent purposes is not the difference between the numbers of dead and the volume of property destroyed on both sides. Instead, it is the adversary's understanding of the absolute magnitude of the devastation that would be inflicted upon him if he initiates nuclear war. From our standpoint, deterrence means that the number of Russians sure to die must be unacceptable, whether greater or lesser than the Americans sure to die. If, for example, the Soviet leaders are

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> faced with the loss of 30 percent of the Soviet population and 30 percent of their industrial capability, *this will deter* a Soviet nuclear strike whether their own strategic arsenal can destroy 30 percent, 40 percent, or 60 percent of America and Americans. (17)

Mr. Warnke seems to have amended his views more recently and now admits that:

> From the standpoint of political perceptions, respective numbers are of significance, and I believe that there was a degree of political vulnerability because of the numerical edge that the SALT I interim offensive agreement had in effect. (18)

He has also now apparently rejected the concept of minimum deterrence, stating that it is not "an adequate deterrent". Moreover, he has acknowledged the importance of maintaining an "equivalence" between the strategic forces of the two superpowers, and he has recognized that an unchallenged continuing Soviet strategic force buildup would jeopardize U.S. national security. (19)

Despite this apparent shift in Mr. Warnke's position, there is significant concern in some policy making quarters that both Mr. Warnke and President Carter are something less than totally committed to the position that the United States must maintain a general overall equivalence in strategic capabilities with the Soviet Union.

In January President Carter requested the Joint Chiefs of Staff to prepare a study on the number of missiles which would be required for a U.S. minimum deterrence posture. (20) He has suggested that the United States might be prepared to initiate a unilateral moratorium on underground nuclear testing even though such a proposal has been called unacceptable by his own Secretary of Defense. President Carter has also suggested that he would consider foregoing the development of the MX missile – the proposed follow-on ICBM for Minuteman – if the Soviets would refrain from deploying the SS-20 MIRVed medium range ballistic missile. This proposal, if carried through, would place the United States at a distinct disadvantage since the Soviets would be trading away a primarily regional weapon system for one which is designed to forestall a threat to the survivability of our own ICBM force. Even a SALT trade between the Soviet intercontinental SS-16 and the MX missile would not be an equitable one. The proposed MX missile is designed to provide a multiple aim point system which would preclude the Soviets from being able to initiate a disarming first-strike against the United States ICBM force. Moreover, MX is designed to give U.S. land-based stra-

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tegic missiles greater throw weight, yield, and accuracy, and as such offset the current Soviet throw weight and payload advantages. Thus, if the United States were to trade away the MX for the Soviet SS-16 or SS-20, the United States would have retained an ICBM force which, Secretary of Defense Brown himself has acknowledged, will become increasingly vulnerable to a Soviet preemptive strike before the end of this decade, without doing anything to eliminate or reduce those Soviet strategic forces (SS-18 and SS-19) which pose the threat to the survivability of the United States land-based strategic missiles. As such, there would be extensive congressional opposition, which would jeopardize the ratification of a treaty, to any SALT agreement which traded away MX without a substantial reduction in those Soviet weapons which jeopardize the security of the U.S. Minuteman missile force.

There has also recently been an expression of congressional concern over alleged efforts by the new Administration to suppress a thorough analysis and an objective discussion of Soviet civil defense activities. The so-called civil defense debate directly affects the ongoing strategic debate since it is this element which could turn nuclear superiority into an effective tool of political and military utility. (21)

The 1972 ABM treaty was cited by its advocates as definitive evidence that the Soviet Union had come to embrace the principle of mutual vulnerability as the basis for maintaining strategic deterrence. Despite the availability of evidence which suggests that ABM technological development is continuing at a high level of intensity in the Soviet Union, and the concern by some knowledgeable experts in the United States that Soviet laser and charge particle beam technology may be on the verge of a major breakthrough which will give the Soviets an anti-ballistic missile weapons defense application, critics argue that continuing Soviet civil defense activities will dramatically degrade the credibility of the U.S. retaliatory capability unless they are checked. (22)

Once this occurs, or is perceived to occur, the United States is likely to be subjected to an increasingly active and aggressive Soviet foreign policy.

An assured destruction-only posture has been under perennial criticism, both as a theory and an actual strategy. Despite the academic dissonance which has characterized the MAD debate in the past, it is becoming increasingly apparent that no nation can afford to mortgage its future on deterrence alone, particularly a deterrence posture that may lack credibility because it is not backed up with either the will or the capability to actually carry out the threat. The circumstances which may have once made MAD a credible

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deterrent have now seriously been brought into question. In particular, the absence of U.S. nuclear superiority and the confrontation with a major Soviet effort to achieve nuclear supremacy over the United States, through what has been called a strategic war-waging and war-winning capability, should serve as a forceful reminder that an "Assured Destruction-only" posture may not be credible over the whole range of possible Soviet threats the U.S. is likely to face. As expressed by former President Nixon:

> Should a President, in the event of a nuclear attack, be left with the single option of ordering the mass destruction of enemy civilians, in the face of the certainty that it would be followed by the mass slaughter of Americans? Should the concept of assured destruction be narrowly defined and should it be the only measure of our ability to deter the variety of threats we may face?" (23)

In short, the question to be addressed by the new Administration is whether a U.S. minimum deterrence posture is adequate to withstand the variety of Soviet challenges that may arise through the flexibility in strategic nuclear options the Soviets now possess, or whether the United States must pursue a policy of equivalence both at SALT and in terms of our strategic weapons development and procurement. It is the response by the Carter Administration to this very critical issue which will determine the future defense posture and security of the United States.

FOOTNOTES

(1) See the exchange of letters between Senator William Proxmire (January 4, 1977) and General George Brown (January 28, 1977) representing The Joint Chiefs of Staff. Hereafter referred to as "JCS Response".

(2) For a brief discussion and critique see: *Trends in U.S.-Soviet Military Power* (Washington, D.C.: ACU Education and Research Institute, 1977); "U.S.-Soviet Trends: A Shifting Balance", Lt. General Daniel Graham, U.S. Army (Ret.) p. 24

(3) Jerome H. Kahan, *Security In The Nuclear Age: Developing U.S. Strategic Arms Policy* (Washington, D.C.: Brookings Institution, 1975) pp. 144-145.

(4) Nixon summarized his national defense outlook in two radio broadcasted speeches in the final days (October 24 and 26) of the 1968 campaign. For a reprint and discussion see: *War/Peace Report*, "Where Nixon Stands on Arms Control and Disarmament", December 1968, pp. 10-13.

(5) Richard N. Nixon, *U.S. Foreign Policy for the 1970's: A New Strategy for Peace, A Report to the Congress*, 1970, p. 123.

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(6) See Jerome H. Kahan, *Security in the Nuclear Age: Developing U.S. Strategic Arms Policy* (Washington, D.C.: The Brookings Institution, 1975), pp. 144-145.

(7) For a discussion of this point see Jaquelyn Davis, et al, *SALT II and the Search for Strategic Equivalence*, Monograph nr. 19, Foreign Policy Research Institute, Philadelphia, Pa. 1975, pp. 11-35. See also Kahan, *Security in the Nuclear Age*, pp. 144-145.

(8) For the Laird commentary see. Statement of Secretary Melvin R. Laird, in U.S. House, Armed Services Committee, Fiscal Year 1972-76 Defense Program and the 1972 Defense Budget (March 9, 1971), pp. 61-67.

(9) *Ibid.* p. 19.

(10) *Legislative History of the Jackson Amendment: Proposal by Senator Henry M. Jackson,* Section 3 of the Resolution adopted by Congress on September 25, 1972 (Washington, D.C.: U.S. Government Printing Office, 1972), p. 394.

(11) U.S. Department of Defense, *Report of the Secretary of Defense James R. Schlesinger to the Congress on the FY 1975 Defense Budget and the FY 1975-1979 Defense Program* (Washington, D.C.: U.S. Government Printing Office, 1974), p. 44.

(12) In Secretary Kissinger's news conference of January 10, 1977 he steps back from his previews and more absolute statements that nuclear superiority is without significance, arguing instead that so long as the U.S. does what is necessary "to maintain balance" nuclear "supremacy" has "practically no operational significance". See "The Secretary of State", Department of State, Bureau of Public Affairs, January 10, 1977, p.6.

(13) *New York Times*, December 13, 1974.

(14) See the Congressional Record for the debates on March 22, and May 5, 1976, especially pp. S. 6583-6600.

(15) James L. Buchlay and Paul C. Warnke, Strategic Sufficiency: Fact or Fiction? (Washington, D.C.: American Enterprise Institute, 1972)

(16) *Ibid.*

(17) *Ibid.*

(18) U.S. Senate Foreign Relations Committee Confirmation Hearings on Mr. Paul Warnke (February 8 and 9, 1977); p. 85 (Transcript).

(19) *Ibid.* p. 162.

(20) See: Rowland Evans and Robert Novak, "Carter's 200 Missiles", Washington Post, February 12, 1977.

(21) See, for example: *Industrial Survival and Recovery After Nuclear Attack*, A Report to the Joint Committee on Defense Production, U.S. Congress, November 18, 1976.

(22) "JCS Response".

(23) Richard N. Nixon *U.S. Foreign Policy for the 1970's: A New Strategy for Peace*, February 18, 1970. Washington, D.C., U.S. Government Printing Office, p. 121.

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SUFFOCATION BY REGULATION

By G. William Whitehurst, M.C.

More than fifty years ago, the gloomy German philosoher Oswald Spengler in *The Decline of the West*, prophesied that civilization was doomed to end with a final struggle between money and power – business and government. And the inevitable outcome, Spengler predicted, would be the triumph of governmental power over economic and political democracy.

Not even Spengler, however, could have envisioned the pattern that we have followed in the past few years. The record would seem to show that we have set for ourselves the conscious goal of choking and suffocating private enterprise through the creation of a myriad of bureaucratic agencies and rules unimaginable in Spengler's time.

From the unbridled capitalism of a century ago, we have witnessed a reversal so complete that free enterprise is now in danger of becoming as extinct as the dinosaur. The incredible thing is that a majority of Americans are not aware of it. Indeed, we have a substantial number of people and spokesmen who demand that the noose be tightened further with additional restrictions and controls. But ask businessmen, manufacturers, construction engineers, and managers, or almost anyone who strives to earn a living in the free enterprise system, and he will tell you what is happening to him.

I must confess that it took me several terms in the Congress before I became fully aware of this self-made plight. It came to me gradually, through an accumulation of visits and letters from those individuals in the business world who were being harassed by a welter of regulations and a relentless corps of bureaucrats to enforce them. I began to listen more closely to the debates on various pieces of legislation, all cast in utopian molds, and at last it became clear that we were slowly but effectively stifling the free enterprise system.

How did it all begin? It is easy to trace the course of such early regulatory agencies as the Interstate Commerce Commission or the Federal Trade

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Commission. The growth of a large industrial republic brought serious abuses of the public welfare by powerful railroad, oil, and steel interests, to name a few. It was inevitable that only the government could impose restraints, and it did so in a series of landmark pieces of legislation.

As economic life became more diversified and complex in the 20th century, the government's role continued to grow, especially with the collapse of much of the economy in 1929 and the years following, but in the last two decades, new forces have propelled the enormous growth of governmental power so that private enterprise has been reduced from a restless, vigorous, but chained animal to a docile cringing creature wincing in anticipation of the next blow from its master.

What are these forces? One is a distrust of the capitalist system that has rooted itself among a large segment of the population. So often my constituents lay the blame for higher costs on everything from oil to olives on what is popularly termed a "rip-off." Someone, they believe, is making an unfair profit. Someone often *does* make an undue profit and it makes the headlines, but it does little more than reinforce the already-present delusion.

Concurrently, there has appeared, particularly in this generation, a utopian view of the world that obstinately refuses to come to terms with reality. This is, I think, the most dangerous force of all. The Camelot spell we cast upon ourselves in the 1960's translated itself into an outpouring of legislation which we naively believed would eradicate poverty, purify our environment, perfect our educational system, and spare us the perils of prolonged ill-health or old age.

Only the government itself could fulfill the role of such a giant benefactor and it did so willingly, stimulated by the whetted appetite of millions of recipients and reinforced by elected officials from Presidents to Congressmen who not unnaturally wished to reap the political fruit of their actions.

This larger impulse spawned satellites, those with more narrow objectives, but whose concentrated efforts to achieve them gained widespread attention and often success.

A young man named Ralph Nader, ascetic and dedicated, became a kind of Peter the Hermit for every consumer. At first the automobile industry suffered his wrath, but his success led him into other regions, from pharmaceuticals to a critique of the Congress which was something less than a success.

A host of organizations have come into being, all well-intentioned but suffering from a monumental delusion that they can draft a law to protect

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every right, defend every privilege, and anticipate every threat. When regulation fails, as it inevitably does, they do not repeal the laws, but amend them into infinite complexity until the purpose of the original law is lost.

Some months ago, I sent a newsletter to my constituents telling them that I was disturbed that Congress, in responding to these demands, had created agencies which had gone far beyond our original intentions and that what we needed to do was to go back and review them, making revisions if necessary or even disbanding them. Instead, we strike out on new paths with hardly a thought about what we have already done.

Use of the regulatory reflex merely feeds an insatiable appetite for power on the part of an expanding government bureaucracy. We have now reached the point where one-sixth of the American labor force works for the government, and government expenditures are approaching 40% of the gross national product. Some of the regulators are even denouncing other regulators as barriers to better productivity.

A year ago a remarkable little book was published in Washington by the American Enterprise Institute for Public Policy Research. It is entitled, *Government-Mandated Price Increases, A Neglected Aspect of Inflation.* The author was Murray L. Weidenbaum. The title sounds like a doctoral dissertation. In reality, it is a hard-hitting indictment of the whole regulatory pyramid which deserves to be a national best seller. The point it makes is that not only is business being hamstrung by over-regulation, but the public, the noble consumer, who is the object of so much protection, is paying a high price for this protection. What is more, the poor bear a relatively higher burden than those in higher income groups.

"Worthy objectives," the author points out, " such as a cleaner environment and safer products, can be attained without the inflationary impact that regulation brings, and public policy should be revised to this end. But . . . we need to examine more closely the phenomenon of government-mandated price increases. It is likely that this unwanted phenomenon will be with us for some time — at least until consumers and their representatives recognize the problem and urge changes in public policy."

Since 1962, the extension of the governement's regulation of business has taken the form of nearly 30 major and minor pieces of legislation. In 1970, Congress established the Occupational Safety and Health Administration or OSHA for short. Anyone in the construction industry or in any area of manufacturing can tell you about it. OSHA inspectors have "no-knock" power to enter the premises of virtually any business in the United

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States, without a warrant or even prior announcement, to inspect for health and safety violations. A U.S. district court, acting on the case of a firm which had refused an inspector entry until the company's attorney was present, ruled that the federal agents did not need search warrants to enter workplaces.

The total number of people employed in U.S. regulatory agencies now stands at over 63,000, and the federal budget for business regulation has increased from a high $1,308,000,000 in 1972 to over $2 billion this year.

What does this mean to private enterprise? Few businesses are immune from counter-costs of their own. The U.S. Steel Corporation estimated that it spent 4,000 man hours in 1972 having its superintendents and foremen guide inspectors through its coal mines, in addition to the reports and paperwork required.

It is no wonder that the cost of paper has soared. Consider the amount that is used in government applications, questionnaires, replies to orders and directives, and the like. As of June 30, 1974, the Office of Management and Budget confirmed that there were 5,146 different types of approved public use forms, excluding all tax and banking forms. Individuals and business firms spend over 130 million man hours a year filling out federal forms. We are drowning ourselves in a sea of paper.

A firm employing more than 50 people is required to fill out as many as 75 to 80 different types of forms in the course of one year. A small 5,000-watt radio station in New Hampshire reported that it spent $26.23 in postage just to mail its application for license renewal to the Federal Communications Commission. An Oregon company operating three small television stations reported that its license renewal application weighed 45 pounds. These small stations were apparently required to fill out the same forms as the multimillion dollar radio and television stations operating in major metropolitan areas.

A large corporation, with about 40, 000 employers, reports that it uses 125 file drawers of backup material just to meet federal reporting requirements on personnel and the equivalent of 14 full-time employees to staff this personnel reporting activity.

Perhaps nowhere has the regulatory squeeze been felt so painfully as it has in the automobile industry. Ever since Nader's *Unsafe at Any Speed*, the auto industry has fought a losing battle with pollution and safety regulations. By now, all of you know the great seat belt battle that went on for the last few years. The great air bag campaign has been somewhat deflated,

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but it is not ended. The result of all this has been a federally mandated rise in prise which comes out to $320 for the average car between 1968 and 1974. Add the catalytic converters that are now required and it's another $150. Car purchases total over nine million each year, and the extra costs of federally regulated changes in manufacture amount to three billion dollars for the consumer.

Nor do the increased costs end with the motor car. The zeal of the Consumer Product Safety Commission has few parallels. Weidenbaum quotes the case of the Ace Hardware Company, which was cited for 1,494 containers of windshield washer solvent which were without child-proof caps and were not labeled with the required statement, "Cannot be made non-poisonous." The Commission didn't tell the company to change the caps and paste the four words of bureaucratese on each bottle. Instead, it ordered that everyone of the 1,494 bottles be destroyed – thereby no doubt contributing to the nation's pollution problem. And those of us who use that kind of solvent on our cars (and drink more conventional fluids) of course wind up paying the higher price that results from this federally mandated waste.

In another case, the Commission ordered formal hearings to determine if four million electric frying pans were dangerous even though not a single injury had been reported out of the four million pans.

James Kilpatrick, a columnist with a sharp pen, nicked the Consumer Product Safety Commission neatly with a column following a Commission press release in September 1973. The release said that "Sharperned pencils, shiny scissors, new paints, and brightly colored metal lunchboxes with matching vacuum bottles may bring delight and pride on the first day of school, but they can bring howls of pain and even serious injury if they are not selected and used with care." On this, Mr Kilpatrick commented, "Is that not splendid? We have needed a federal agency to tell us these things."

My pet peeve is with OSHA, the Occupational Safety and Health Administration. You cannot imagine the complaints that I get about this agency in my District. The act came into being with the valid purpose of cutting down on industrial accidents. In 1973, over 14,000 Americans died in job-related accidents. Many of them would be alive if better safety measures had been in effect, but as the Federation of American Scientists has stated, "The Occupational Safety and Health. . . has surfaced at least as many problems as it was designed to solve." One of the biggest flaws in the Act, as in so many

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other laws recently passed, is that regulations are not spelled out by the Congress but are drawn up by the agencies empowered by the Act.

The regulations produced by these agencies defy the wisdom and patience of a Philadelphia lawyer. They are so lacking in uniformity that employers do not know how to comply and employees are not in a position to know when a regulation has been violated.

One OSHA regulation requires backup alarms on vehicles at construction sites while simultaneously requiring some employees to wear earplugs as a protection against noise, thus making it difficult to hear the alarms. The agency has filled its books with such trivia as the definition of a ladder, which it solemnly tells the reader "is an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, cleats, on which a person may step in ascending or descending.

Because the Act makes no provision for courtesy inspections, a company cannot request an inspector to come to the plant without laying itself open to instant citation for some infraction of the OSHA rules and regulations. In order to get around this, one regional office of OSHA suggested that companies send photographs of their premises for off-site review by OSHA inspectors because if the inspectors did not actually see the violation, they would not be obliged to issue a citation for it.

The costs to business for compliance with OSHA regulations are not low. Planned industrial investments in health and safety equipment will rise from $2.5 billion in 1972 to $3.4 billion in 1977. If we add the stiff noise standards supported by the Environmental Protection Agency, the compliance cost is expected to rise to $31.6 billion.

Congress must shoulder a major share of the blame for the excesses of the regulatory agencies. Once the Congress creates an agency, it tends to feel its job has been done and it fails to oversee effectively the activities of these agencies. Consequently, the regulatory agencies too often make rules which go far beyond the intent of the Congress.

I have been encouraged somewhat by signs that an increasing number of my colleagues are becoming fed up with the overreaching and arrogance of the regulatory agencies. Several bills passed in this Congress have included provisions specifically granting Congress the authority to veto regulations issued by various agencies within a specific period following their publication.

In addition, I have sponsored several measures in this Congress to reform

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the regulatory agencies. One deals specifically with the Federal Trade Commission by prohibiting the FTC from issuing regulations which preempt state and local laws. Another major bill which I have introduced would require the President over a five-year period to submit plans to the Congress for reform of the entire range of federal regulatory activity. Each plan would set out recommendations for increasing competition, including the merger, modification, or abolition of federal regulations and agencies and regulations not reformed would be abolished. This provision would force the President and the Congress to take a hard look at the existing crazy quilt of overlapping and duplicative federal regulations.

Another major bill which I have sponsored is built around the concept of zero-base budgeting. Under this bill, Congress would be required to approve almost every government program at least once every four years or the program would cease to exist.

These measures, which call for major changes in the role of Congress and the Executive branch in controlling the proliferation of federal agencies have been, have received a surprising degree of support. Although none subject of extensive hearings and have gained broad support from members of both parties. I am becoming increasingly optimistic that some real reforms of federal regulation can be adopted in the near future. Increasingly, Members of Congress and the Executive branch have come to realize that the outmoded and misguided policies of these agencies stifle competition, inflate prices, and smother businessmen with needless paperwork. Estimates of the costs of government regulation to the American people have ranged from $60 billion a year up to as high as $130 billion a year. Consumers carry the dual burdens of higher taxes and higher prices to support policies which do them no good.

Moreover, regulations impede the tremendous productive power of the American economy. Increasingly, the American people are coming to understand that government must start restoring competition and removing market constraints. If we expect the economy to get better and stay that way, we must strip the wet blanket of unnecessary government regulations from its back.

Before I came to the Congress, I pursued an academic career for eighteen years. We know that free thought in our society is preserved by open competition among scholars.

Walter Wriston, Chairman of Citicorp, grasped this when he told the Commercial Club of Boston that "just as thought control is the great enemy

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of freedom of enquiry, in both the press and academia, economic controls are the great enemy of the entrepreneurial spirit."

For too long we have become overreliant upon our government. The unhealthy and hostile attitude of some toward a free market will always find a forum somewhere, but one cannot erode freedom in one sector of society without adversely affecting all others. All history argues that the media and academia in America have as great a stake in preserving a free market for goods and services as do businessmen in defending the free market for ideas. We need to have both or we may find ourselves with neither.

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COURT SYSTEM'S TREATMENT OF REPEAT OFFENDERS

By Ordway P. Burden

The criminal justice system in the United States today brings to mind the old adage about the Holy Roman Empire which was neither holy, nor Roman, or even an empire. There is little justice to be found in many American courtrooms, and even less of a system throughout the country.

American justice has not taken a sudden turn for the worse. Complaints heard today about the dilatory nature of an American trial, the incompetence of some judges and the impossibility of administering a system (or non-system) so diverse in agencies and jurisdictions, have been voiced for better than a hundred years. But since voices become louder when failure is more apparent, the recent burgeoning of crime has brought about a veritable howl of public dissatisfaction.

With good reason many people look upon the problem of the criminal justice system as that of the repeat offender that is the failure of courts, prisons and numerous probationary and rehabilitative agencies to prevent a relatively small group of habitual criminals from being processed in and out of the system four, six, ten times in a lifetime, seemingly uninhibited. A study of the habitual offender in Washington, D.C. during the period 1971 to 1975 revealed that seven percent of those arrested for serious crimes account for 24 percent of all such arrests. And six of every ten arrested for felonies have criminal records. (1) Washington's patterns are not atypical.

Americans are willing to give a person who goes wrong (at least for a non-capital offense) a second chance, but are appalled when they hear of vicious crimes committed by people out on bail, paroled or on probation. Patience is exhausted by incidents such as the recent Virginia murder of an 11-year-old boy by a man thrice convicted of molesting children. He was on the loose because he had walked right out of the minimum security mental hospital where he had been sent for treatment.

An obvious target for criticism is the trial and sentencing judge whose seeming reluctance to infringe upon the rights of one endangers the security

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of many. Although there are no doubt many able and dedicated public servants on the bench, the method of selection and means of controlling judges do not conduce to a uniformly competent judiciary. The vast majority of judges are political appointees, whether by direct selection or through a partisan or a non-partisan ballot. This is largely the result of Jacksonian reform and not based on any model proposed by the Founding Fathers. Judicial appointment is awarded to a party favorite for loyalty and hard work.

According to Herbert Brownell in an address delivered before the American Judicature Society in 1967, the system produces more mediocrity than venality. (2) However, incompetence can be as insidious as dishonesty, for while there are means of removing a clearly corrupt judge, there are none for throwing out of office one who is lackadaisical or careless. A corrupt judge is able to decide some cases properly, while a stupid one is likely to make a mess of everything he touches. There is also evidence of outright payoffs required to obtain judicial appointments, a state of affairs which prevents honest men from even attempting the office. (3)

The problem of the court system goes far beyond judges. A peculiarity of the American system is that it exists on many levels, municipal, county, state and federal, while many of the complementary agencies and institutions – police departments, prisons, mental hospitals, family service and probation bureaus – operate under overlapping jurisdictions.

Through all these halls of justice millions of cases are processed each year. The necessary personnel – judges, district attorneys, defense lawyers, probation officers – are in critically short supply. One judge in Detroit Early Sessions Division dealt with 20,000 misdemeanor and non-traffic petty offenses in a single year. (4) Three judges of the Atlanta Municipal Court settled 70,000 cases in a 12 month period. (5) Last year in Dallas County criminal court 822 probationers were placed under the supervision of three probation officers, giving the officers a burden about seven times that is recommended by the President's Commission on Law Enforcement and Administration of Justice. (6)

Straining under this load courts must perforce place the struggle to process cases ahead of justice to the accused. (Protection of society can hardly be a consideration at all.) The lack of time and resources produces a highly arbitrary meting out of sentences which gives every advantage to a hardened, court-wise offender. Because the overload makes careful checking of records and sorting out of the habitual criminal almost impossible even when the will to do it exists, he often receives punishments more suitable to a

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hapless first offender.

The means most commonly employed by busy prosecutors interested in expediting justice (and sometimes obtaining for themselves the record of convictions essential to furthering a public career) is plea bargaining. As most people are coming to realize, the jury trial is used in only a small proportion of the cases which go through the courts, although in most of the more celebrated ones.

Plea bargaining allows the defendant to agree to plead guilty, thus saving the court the expense of a full trial, in return for a promise from the prosecutor for a lesser sentence. In some United States cities the number of cases settled in this manner is as high as 95 percent. (7) Lawyers and judges favor it. Naturally it is hard to imagine how the present justice system could allow even more cases to go to a full trial; but leaving pragmatic considerations aside, plea bargaining can have a corruptive effect on justice.

In the first place, it is hypocritical. Sometimes defendants knowing full well of a previous agreement made with the prosecutor's office must swear in court that no such promises have been made. (8) It gives rise to a clear miscarriage of justice when thousands of felony arrests are wholesale reduced to misdemeanors in order to wipe out the docket. A New York Times article in February 1975 reported that in 1974 the number of felony arrests settled in lower courts technically empowered to deal with only misdemeanors was 81,351 out of a total of 101,748 arrests, or 80 percent. This was a seven percent rise over 1973. (9)

In 1956 a study made of bargain justice in a suburban Wisconsin County showed that those offenders most likely to enter a guilty plea initially without advice of counsel were recidivists. "Recidivists were both conviction wise and conviction susceptible in the dual sense that they knew of the possibility of bargaining for a guilty plea for a light sentence and at the same time vulnerable because of their records to threats of the prosecutor to throw the book at them unless they confessed," the study concluded. (10)

As the previously convicted defendants are under pressure to confess by the prosecutor, so is he under increasing pressure to move a large number of cases through, and to have a conviction on the record regardless of sentence.

Not only is there pressure on habitual offenders to plea bargain, but on all defendants. There is evidence that some judges, district attorneys and probation officers make specific reference to the fact that a defendant, by pleading not guilty, has forced the state to pay for a trial. Under certain judges an individual convicted by a jury has a poorer chance of being placed

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on probation than one who pleaded guilty. (11)

Although the responsibility for sentencing in theory belongs to the judge, in practice he often relies heavily on the advice of the prosecutor and probation reports. In some larger cities a judge who wants to see the criminal record of the person he is about to sentence must send for it, thereby delaying the entire procedure. (12)

Most convicted offenders and even convicted felons, do not receive jail sentences. A survey recently quoted in U.S. News and World Report reveals that for six cities or metropolitan areas between 14 and 28 percent of convicted felons are actually sent to jail. (13) And those who go, do not go for long. Although the penal codes in this country are harsh by European standards and are sometimes reflected in the sentences handed down, in practice the prison sojourn is fairly brief. In 1964, 80 percent of those sentenced to state institutions were given sentences of five years or more, nearly 30 percent terms of over 10 years. But in point of fact, a mere 8.6 percent remained in prison for more than five years. The average sentence lasted one year and nine months. (14)

The huge disparity is due partly to the nature of the sentences, which are given in terms of "up to" a certain number of years and allow for parole within a certain period; and partly to the enormous pressures within the prison system to release inmates before full terms are served. Like courts, prisons are lacking in facilities and must sacrifice everything to keep things moving.

In New York State a 12 member parole board has authority to decide when to release prisoners who have served more than 90 days of an indeterminate sentence. There are about 20,000 such prisoners in state institutions. Standard procedure has become to release a prisoner thought to be rehabilitated when he has served one-third of his sentence or three years, whichever comes first. Whether he is rehabilitated is decided by reviewing his file and holding a ten or fifteen minute interview. (15)

Since the prison warden's report is a deciding factor in determining whether to grant parole. there is a strong incentive among prison personnel to maintain the present system as a weapon to insure good behavior among inmates. But then, of course, arise the questions of how much prison behavior predicts subsequent actions, and whether an experienced habitual criminal who has repeatedly been incarcerated may not be best prepared to assume the appropriate demeanor and actions for early release.

Many criminal justice authorities continue to advocate flexible sentenc-

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ing. Herbert Wechsler, in an article in the Columbia Law Review, suggests that in principle probation be made the rule rather than the exception, except in cases where 1) there is undue risk of his committing another crime; 2) the defendant is in need of correctional treatment; and 3) a lesser sentence will depreciate the seriousness of the crime. Probation in any case should not be longer than two years. (16)

However noble the motives behind designing punishments to fit the individual criminal, there are a number of inherent problems in a system of great flexibility. What, for instance, represents "undue risk"? Statiscally, the probability of an offender who has been arrested for a serious crime being rearrested is .87, or almost a sure thing. (17) To talk about the defendant's needs seems a twisted bit of paternalism. Surely few defendants' health and happiness would not be improved by a number of years in prison or a stretch behind bars in a mental hospital, but clearly there are those who belong there rather than on the street. And what is meant by "depreciate the seriousness of the crime"? If there were any generally held conception of what sentence suited what crime, the criminal justice system would be faring well today.

Perhaps James Q. Wilson of Harvard is closer to proposing a workable reform of the justice system when he urges that government remain within the range of the possible, that we stop examining the causes of crime as preliminary to controlling it. He advocates some deprivation of liberty for every serious offense and suggests we recognize that with few exceptions criminals are not oblivious to costs of punishment in relation to the benefit of the crime, and that in many cases pushing up the cost will have its effect in deterring crime.

A curious feature of American criminal justice systems is the separate and different treatment of the juvenile offender even to as late an age as 21. Here rehabilitation seems to be generally considered the primary goal, more so than in the adult courts where the focus is unclear. But not only are juvenile courts ill suited to accomplish their apparent purpose, but manage to do virtually nothing to protect society from the depredations of young offenders.

The lack of means to control young criminals flies in the face of hard facts: most major crimes against property are committed by persons under the age of 21, and the 1975 Uniform Crime Reports of the Federal Bureau of Investigation attribute 25.9 percent of all index, or serious, crimes against the person and property to children below the age of 18.

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Few habitual offenders wait until they reach 21 or even 18 before first getting into trouble. So it is in the juvenile courts that career criminals receive their first taste of the justice system.

Juvenile courts vary in many important aspects. The cutoff age ranges from 16 to 21, although in about two-thirds of the courts 18 is the limit. Many states provide for a waiver in the case of serious crimes to an adult court, but offer little instruction to the judge about when this action is proper. A few exist separately, but the majority are part of the circuit, district, superior, city, common pleas, probate or municipal branches. (19)

Informality prevails in all the systems. There is no formal charge, no prosecutor and in many places no right to a jury for the juvenile who pleads innocent. The standard of proof usually is lower than beyond a reasonable doubt. Since newspapers do not print the names of juveniles involved in crimes, there is no public surveillance of the disposition of even the most serious cases. For lack of better solutions and in keeping with the goal of rehabilitation, the court turns to the social, clinical reports of the probation officers in determining sentence.

A New York Times article last year concentrated on the problem in the city. One of the difficulties was the lack of responsibility. The court relied on the Department of Probation to take care of the juvenile. The Department of Probation in turn regarded its job as finished when the child was placed, usually under the supervision of the Division for Youth or with private agencies. Private agencies, however, tend to accept only a few of the most hopeful cases. (20)

The Division for Youth is then left with thousands of young offenders for placement in New York State, which has only 900 places. In the city alone there is exactly one facility for criminal youth, Spofford, with a capacity of 286. In the course of a year somewhere between 7 and 8 thousand juveniles, half of them repeaters, pass through its doors. (21)

New York City in 1964 arrested 1,279 children under 16 for robbery; 131 for rape; 30 for murder. In 1973 the figures were 4,449, robbery; 181, rape; and 94, murder. Two sentencing alternatives are available to the Family Court judge confronted by seriously disturbed, violent children. He can either place them in a state training school, where there is no psychiatric help available and the maximum commitment is 18 months, or in a mental hospital for children from which he can be released by a parent or can easily escape. (22)

In New York City juveniles are protected from being put in a lineup and

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from being fingerprinted. These restrictions frustrate the efforts of police in apprehending violent young recidivists such as one boy who had been picked up 21 times, including once for the rape and robbery of a 56 year old woman. (23)

Recidivism among juveniles was the subject of an extensive research project, and a subsequent book, *Delinquency in a Birth Cohort*, by Marvin E. Wolfgang, Robert M. Figlio and Thorsten Sellin. (24) 9,945 Philadelphia boys born in 1945 were studied from age 10 to 18. Sixty-five percent never had any contact with the police; 35 percent had run into them at least once. The delinquency rate for whites was 29 percent, for non-whites, 50 percent.

In the Wolfgang study group 18 percent of the cohort, or 627 youths, were responsible for more than half of the offenses.

If the findings are generally true, *Delinquency in a Birth Cohort* has important implications for the juvenile justice system. Particularly in the case of non-whites, who tend to be arrested earlier than whites, the younger a boy is when first arrested the greater number of offenses he will have committed by the time he reaches majority. Among all the boys there was a direct and positive relationship between the number of offenses committed and the average seriousness of the offense. In the case of attacks against the person by non-whites, the seriousness of the offense increases with each one committed. Finally, three-quarters of the one-time offenders were charged with minor juvenile offenses such as truancy, incorrigibility or vagrancy.

The Wolfgang study concluded that the criminal justice system was good at isolating the repeat offender but ineffectual at changing or controlling behavior.

There are serious questions to be faced concerning our ability to rehabilitate the violent recidivist of 13 or 16, and the morality of allowing him to roam uncontrolled until he is old enough to be punished (maybe) as an adult, and by this time very experienced, criminal.

Still some authorities advocate highly discriminatory penalties for juvenile offenders. In a recent series of recommendations on the sentencing of repeat offenders, the American Bar Association specified that the new, somewhat harsher penalties were to apply only to persons over the age of 21. (25)

Little justice is being meted out to juveniles in today's courts and the state of affairs is fair neither to those children caught up in it, nor to other youngsters. In clinging to the belief that all bad children can be bureaucratically rehabilitated, adults have failed in their responsibility to other, non-delinquent children to make clear what forms of behavior are acceptable and

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which are not.

Juveniles generally understand the need for punishment and probably are more sensitive than adults to what is and what is not "fair". In a recent case in New Jersey a 16 year old high school boy's mischievious placement of explosives in a fire extinguisher box resulted in the accidental death of a young girl who happened to pass by. The boy was sentenced to a two-year work program, two nights a week. The judge defended the sentence on the grounds that the boy was contrite, and not likely to commit another crime. Perhaps so, but what about the other children in the school who individually must be punished for a variety of far lesser offenses, such as truancy, minor vandalism, traffic offenses? What is proportional punishment?

In many jurisdictions another glaring injustice exists, although much has been done in recent years to correct it. This is the incarceration in juvenile homes side by side with violent young criminals of children guilty of no more than truancy or running away from home. The reason given for such imprisonment, or indeed all confinement of juveniles, is that it is for their own good and is necessary to the rehabilitative process. In such cases rehabilitation is simply a euphemism for confinement.

There is also a movement to improve the procedural aspect of the juvenile courts. The Supreme Court has ruled that a juvenile charged with a serious crime has a right to notice of charges, the right to be represented by counsel and the right to sworn testimony by witnesses and cross examinations. The President's Commission on Law Enforcement and Administration of Justice recommended in 1968 that the nature of the punishment which might be given to a juvenile should not be disguised. If the charges against a young person might justify his confinement, the condemnatory and incapacitative effect should not be couched in terms of reform and character improvement. (26)

The rehabilitation ideal seems to have all but failed in American criminal institutions, yet many who work in them still behave as if it is possible and necessary. In the case of probation officers and social workers there is a vested interest in adhering to this belief, although it is no doubt genuine among most of them. But it also seems that many judges operate on the principle that rehabilitation is the primary goal of criminal justice – unless their frequent use of probation and suspended sentences is simply a response to overcrowded prisons or acquiescence to prosecution bargains.

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Another flaw in a justice system which has rehabilitation as a goal is its dependence on highly non-objective information. A person's probability of reform will depend on his intelligence, temperament, background and the influences to which he is subjected upon release. None of these can be predicted or accurately quantified for the specific case. Estimates of success will be inconsistent and arbitrary.

Some will answer that the solution lies in spending more money to improve the quality of rehabilitative justice. No doubt there are many areas where greater expenditure is required, but there are limits to resources, which should therefore be concentrated where a chance for success exists. Perhaps, as James Q. Wilson has suggested, there is something wrong in what we are attempting:

> . . . Even if the government could change [family background, friendship patterns, media images] the cost would be frightful, not only in money terms, because the programs would have to be directed at the 95 percent who are not likely to be criminal in order to be certain of reaching the five who are, but also in terms of those fundamental human values that would be jeopardized if government possessed the capacity to direct the inner life of the family or to mold the mental life of its citizens. (27)

When the Great Society was attempting to wipe out poverty many believed that crime could be cured along with it. A demand was created for programs and services which would turn a crimimal to a useful life. At the same time a growth in the youthful and crime-prone population was putting a strain on already overburdened courts and prisons. The two forces combined chaotically, with the result that programs which might be appropriate for a non-violent first offender have sometimes been used on violent recidivists.

Public displeasure over rising crime and what is perceived as a soft judiciary has always been reflected through the criminal laws passed through the state legislatures. Unfortunately the effect is often quite opposite to what is intended. In the 1920's and early 30's, when the image of the gangster disturbed the public, and the rights of the offender seemed to weigh less heavily upon its conscience, numerous harsh habitual offender statutes were enacted. In New York in 1926 the Baumes Law provided that upon conviction for a fourth felony, imprisonment in state prison for the remainder of the natural life was mandatory. The Ohio Habitual Criminal Act required a

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similar penalty, to be handed only after two felony convictions.

All but seven states passed some sort of recidivist legislation, mandating severe mandatory penalties. In 21 states the life sentence was mandatory after the second conviction; in 24 states after the third; and in 16 after the fourth. Although the constitutionality of these laws was many times challenged on the basis of the due process and equal protection clause of the 14th amendment, they were for the most part held valid on the grounds that habitual criminality is a state or condition and not a crime in itself.

Nevertheless these laws were met with hostility in the courts. The effect was to raise standards of proof and increase limitations on the admissability of evidence, to interpret the statutes in favor of the defendant. Sometimes courts refused outright to apply the statutes. Because of the harshness of the possible penalty, prosecutors were given a better bargaining position in obtaining a guilty plea. (28)

The corruptive effect of the laws was as much the fault of the legislatures as the courts. The habit state lawmakers have of passing legislation which is more an expression of general outrage or concern rather than a practical guide for police and judiciary simply crowds the books with a myriad of legislation which could not possibly be enforced to the letter.

Judges who do not answer to the legislature anyway are then given broad discrietionary powers in enforcement. In point of fact, judges answer to no one but have virtual authoritarian control in their courts. The U.S. President's Commission on Law Enforcement and Administration of Justice in 1967 recommended the unification of our state court sytem. If appellate judges more visible to public and legislators are charged with supervising lower court judges, and if statistics are maintained on each judge, work load and decisions, (29) it may be possible to coordinate the anti-crime functions of the two arms of government which now operate almost at cross purposes.

Plans have been proposed to alter the current methods of judicial selection. One of the most prominent is the so-called Missouri Plan. This allows for the nomination of a panel of judicial candidates by a non partisan commission composed of conscientious, qualified laymen and lawyers. The appointing executive must choose from this panel. After a short probationary period there would be a voter review, followed by similar reviews at intervals of several years.

Changes in the overall organization of the courts and in improvement of the judges may make it possible to deliver justice more efficiently and completely and deal with the central problem of violent criminals and habitual

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offenders. There is one current program dealing specifically with the repeat offender, the Law Enforcement Assistance Administration funded Career Criminal Program. Federal money to the tune of $4.2 million is being sent to 18 cities across the nation to encourage the identification, quick prosecution and appropriate sentencing of habitual offenders.

Initial statistics compiled by the National Legal Data Center which is monitoring the career criminal projects suggest that the program is successful in suppressing the crime rate. (30) In Columbus, where the number of serious crimes rose 62 percent between 1973 and 1975, the number of violent crimes – murders, rapes, robberies, assaults and burglaries – fell more than 17 percent in the first five months of 1976. New Orleans which also is a pilot city, saw an 8 percent drop in the serious crime rate in the first six months of this year.

In the long run the strength of the program will not lie in its ability to reduce crime in 18 cities at a cost of several million dollars, but in its effective demonstration of where the problem of the criminal justice system lies, with the habitual criminal.

There is no easy solution to the problem of the repeat offender and to criminal court reform. Simply passing more laws is not the answer. It may be a good idea to have minimum sentences for major crimes and to place restrictions on how much a prosecutor can promise to lop off a sentence in exchange for a guilty plea. But as long as the connections between legislature and judiciary are loose, Americans can enact all the laws they wish to little avail. In fact, as happened in the twenties and thirties, the attempt to legislate harsh penalties can backfire by creating sympathy for the accused and raising the standards of proof and evidence to an unworkable, unreasonably high level.

Not only must there be changes to make the judiciary more responsible to the legislature, but something must be done to improve organization within the courts. Many have proposed that courts be unified state-wide, with judges of the lower answering to appellate court judges. In conjunction with court reform changes can be, and are being made in the selection of judges, to insure a more ethical, competent and impartial judiciary.

More than anything else, public attitudes toward the criminal justice system must change in order that we can deal effectively with all violent criminals, including juveniles. It is one thing to insist that youngsters of 14 or 16 be given punishment appropriate to the offense, and of duration sufficient to prevent a significant number of other crimes; but it is quite another, as

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people who work closely with the problem realize, to provide the necessary facilities. A large part of understanding the crime problem lies in realizing that there is no system to deal effectively with the young offender. Excluded in most cases until the age of 18 and sometimes 21 from the regular courts, they are sent through courts where both dignity and due process are conspicuously absent, where the ideal of rehabilitation falls woefully short of the reality. This is the introduction which most repeat offenders have to the court system, and it is one likely to deter the timid (who probably would have reformed without it) and encourage the brazen, who are allowed to proceed virtually unpunished in the early years of their criminal careers.

FOOTNOTES

(1) *U.S. News and World Report*. May 10, 1976.

(2) "Too many Judges are Politically Hacks," *Selected Readings in Judicial Selection and Tenure*. (1967, Chicago, The American Judicature Society).

(3) *Ibid*.

(4) "The Lower Courts/U.S. President's Commission on Law Enforcement and Administration of Justice." 1967. Quoted from *Crime and Justice*, Vol. II. Leon Radzinowicz and Marvin E. Wolfgang, ed. (Basic Books, New York, 1971).

(5) *Ibid*.

(6) Frank Dyson. "The Repeat Offender." From *The Police Chief*. June, 1973.

(7) Daniel Glaser. *Adult Crime and Social Policy*. (Prentice Hall, N.J., 1972)

(8) Arthur Rosett. "*The Negotiated Guilty Plea*". The Annals of the American Academy of Political and Social Science 374. November, 1967. Reprinted in *Crime and Justice*.

(9) Marcia Chambers. "Lower Courts are Settling 80% of City Felony Cases", February 11, 1975.

(10) Donald J. Newman. "Pleading Guilty for Considerations: A Study of Bargain Justice". Journal of Criminal Law, Criminology and Police Science 46. (1956)

(11) Alexander B. Smith and Abraham S. Blumberg. "The Problem of Objectivity in Judicial Decision-Making." *Social Forces* (University of North Carolina Press, 1967).

(12) U.S. President's Commission on Law Enforcement and Administration of Justice.

(13) *U.S. News and World Report*. op. cit.

(14) Peter W. Low. Memorandum on Sentencing Structure for the Federal Criminal Code. National Commission on Reform of the Federal Criminal Law. January 8, 1968. Reprinted in *Crime and Justice*.

(15) James Q. Wilson. *Thinking About Crime*. (Basic Books, New York, 1975.)

(16) "Codification of Criminal Law in the United States: The Model Penal Code." December, 1968.

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(17) *Wilson*. op. cit.

(18) *Ibid.*

(19) Robert W. Winslow. "Juvenile Delinquency in a Free Society." Selections from the President's Commission on Law Enforcement and Administration of Justice. (Dickerson, Belmont, Cal. 1968).

(20) Ted Morgan. "They Think, I Can Kill Because I'm 14." New York Times Magazine. January 19, 1975.

(21) *Ibid.*

(22) *Ibid.*

(23) *Ibid.* In June, 1975 three bills were defeated which would have lowered the age of prosecution as adults for violent juveniles from 16 to 14.

(24) Marvin E. Wolfgang. Robert M. Figlio. Thorsten Sellin. *Delinquency in a Birth Cohort.* (University of Chicago, 1972).

(25) American Bar Association Project on Standards for Criminal Justice. Standards Relating to The Administration of Criminal Justice. The report recommends that sentences for habitual offenders be revised to conform to the following standards: 1. Any increased term which can be imposed because of prior criminality should be related in severity to the sentence otherwise provided for the new offense; 2. the sentencing court should be authorized to fix a maximum term at any point from the maximum otherwise applicable up to a legislatively prescribed limit. As an outside limit for extreme cases, twenty-five years ought to be the maximum authorized prison term. 3. the court should be authorized to fix a minimum term in accordance with stated principles.

Whether to sentence a particular offender to the normal term or to a special term on grounds of habitual criminality should be a matter for the discretion of the sentencing. An additional term should only be permitted if the court finds that such a term is necessary in order to protect the public from further criminal conduct by the defendant, and in support of that also finds that:

1. The offender has previously been convicted of two felonies committed on different occasions, and the present offense is a third felony committed on an occasion different from the first two. A prior offense committed within another jurisdiction may be counted if it was punishable by confinement in excess of one year. A prior offense should not be counted if the offender has been pardoned on the ground of innocence, or if the conviction has been set aside in any post-conviction proceeding;

2. Less than five years have elapsed between the commission of the present offense and either the commission of the last prior felony or the offender's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior felony conviction;

3. The offender was more than 21 years old at the time of the commission of the new offense.

(26) *Winslow*. op. cit.

(27) *Wilson*. op. cit.

(28) Lloyd Wise McCorkle. "The Treatment of the Persistent Offender in Penal

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Policy in the United States." (New York University, 1956).

(29) *Glasser*. op. cit.

(30) *Wall Street Journal*. August 19, 1976.

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DIALECTICS OF MODERNIZATION: USSR IN THE THROES OF CONFLICTING REVOLUTIONS

by
Oleg Zinam

This study is primarily concerned with the impact of some selected aspects of modernization on the Soviet Union. Modernization is a special case of a much broader concept of social change whose crucial components – the technological revolution and the "revolution of rising expectations" among them – are molding all socio-politico-economic systems in such a way as to imprint on them certain common characteristics. The process by which similarity is attained is called convergence, defined as a development by which diverse systems move toward some kind of common pattern of organization.

Some forces of modernization possess potential power to induce changes in the Soviet system which might lead it toward convergence with non-communist countries of the West. Such a type of convergence was neither envisioned nor understood by Marx and his followers in the past. The forces of non-Marxist convergence stand in direct conflict with the ideologies and goals of the Kremlin's ruling elite. If permitted to operate freely, they could lead to sweeping changes in the structure of Soviet society and even endanger the very existence of the present regime. The dilemma faced by Soviet leaders can be stated as follows: The Soviet Union must modernize to remain a great economic, political, and military power. But modernization harbors great dangers for those who want to preserve absolute control over the country. This analysis focuses on the nature of the problem and the policies and solutions offered by the Soviet government.

Theoretical Framework

The conceptual framework used in this study is based on a theoretical model developed elsewhere.(1) The size of this article permits only a brief summary of its essential elements. Our basic problem is the impact of modernization on the Soviet system. Since the USSR is a command-type eco-

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nomy, it is virtually impossible to interpret its problems and policies in purely economic terms. In such a system, economic, social, political and ideological factors are so inextricably intertwined that only an inter-disciplinary approach can be feasible. Yet, such an approach would lead to the inclusion of so many variables as to make the model too complex and unmanageable. Therefore, this study uses the method of "specialized holism," defined as "an attempt to view the whole economy as an intrinsic part of the social system and to identify the strategic variables and crucial relationships" relevant for an adequate handling of the problem at hand.(2) Here, it is necessary to trace the effect of the over-all impact of forces for modernization on the operations, functions, and organizational structure of the Soviet system. A crucial aspect of this system is its structure of decision-making power. Basic characteristics of the Soviet system must be brought to light by looking at those factors which determine *who* controls the decision-making power and *what* determines the preference of those possessing power. Power is defined here in Max Weber's terms as "the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests." (3) In a complex modern society power flows mainly from organization. Social roles are transmission belts which convey power. To understand the power structure of a society one must study its organizational structure, but to identify the direction of the use of this power it is necessary to know ideologies and the preference of those who control power. To make a systematic study of how opportunity and preference functions of decision-makers within the system are formed, the analysis is carried on the following five levels:

Organization. Political, social and economic organization of society determines through "roles" the distribution of political, social and economic power among decision-making agents within a given social order.

Power. Power enamating from social roles determines the extension of opportunity function of the decision-making units. Political, social or economic power must be coupled with the determination of the power-possessing agent to use this power to close the gap between the ideal and actual value of the crucial variable involved.

Ideology. In a broader sense ideology involves the sum total of knowledge, beliefs, ideas, and norms shared by those having power. It plays an important part in shaping their preference functions.

Preference. Forming preference functions involves setting

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goals of behavior or attainment according to some scale of values. *Preference* becomes *effective* if it is backed up by adequate power and determination to use available power to attain the ends contained in preference function.

Freedoms. Effective preference measures the degree of effective freedom of decision-making agents.(4)

It is impossible to assess adequately the impact of modernization on the Soviet system without proper understanding of the basic characteristics of the organizational structure of the USSR, the resulting structure of decision-making power and preferences of the decision-making units involved. As to its organization, the Soviet Union is a command economy characterized by central control of economic and political power. As a result of this monopoly, Kremlin leaders possess immense control over individuals and organizations within the system. Although preferences of the ruled and the rulers might at times conflict, the probability that individuals or groups within the Soviet Union can assert their preferences against the will of the leaders is very low. This means that if forces working for modernization should move the Soviet system away from the ideals and goals of its rulers, they can use their power to counteract these forces in a very real and significant way.

Great importance is attached to ideology which directs power by formulating the goals to be attained and selects the means and methods to reach these goals. Here, ideology in the broader sense, is defined in terms of Parsons and Bell as "a systematic set of beliefs, opinions and doctrines about social phenomena primarily economic and political phenomena, which is possessed by individuals, classes and nations," (5) as a means to "mobilize people for action." (6) This concept is applicable to all decision-making agents. Secondly, in a narrow sense, applicable to the ruling elite even more, ideology may be defined in line with Marshall and Kline who see it as a "set of general ideas, including rules of behavior, developed by or for the ruling elite to justify their privileged position." (7)

Modernization and its Impact on the Soviet System

The meaning of the concept of modernization is related to the broad philosophic problem of continuity and change. In general, modernization is a special case of social change, the term "social" being used to encompass cultural, political, economic, ideological and other aspects of change. The changes introduced through decision-making processes can be termed "in-

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novation," which is part of change but much broader than the concept of modernization. Innovation is used here to describe "the entire sweep of change that has occurred since the beginning of recorded history." (8) Modernization, on the other hand, is defined in Black's terms as "the dynamic form that the age-old process of innovation has assumed as a result of the explosive proliferation of knowledge in recent centuries". (9) Modernization has several characteristics which set it apart from the innovational waves recorded in the history of man. These specific characteristics are 1, universality of its impact on man; 2, its dynamic character; 3, widespread belief in the desirability of change as such; and 4, the attitude that society can and must be transformed. Kautsky sees modernization as "the process by which a society becomes 'modern'."

> A modern society is characterized by a belief in the rational and scientific control of man's physical and social environment and the application of technology to that end. One could thus define the process of modernization as one of secularization, but it also involves a great number of other interrelated factors. Among these are extensive interdependence, trade and communication; urbanization, . . . widespread literacy and the availability of higher education; and a relatively high degree of social mobility and of placement according to merit. (10)

The forces of modernization exert their powerful influence in two broad areas of human existence, ecological and eiconic. Ecology (11) covers the totality of the outside environment in which human beings exist. Since it includes not only physical but also social, political, and economic environment, it is really human ecology. The eiconic (12) world is a subjective realm consisting of man's images, concepts, beliefs, theories and other hypothetical constructs by means of which man interprets to himself the totality of human conditions. Modernization has resulted in revolution in both ecological and eiconic realms. It has drastically affected both man's physical, social, political, economic environment and man's outlook, knowledge, beliefs and aspirations.

The ecological revolution resulted from the dramatic expansion of human understanding of natural forces. It bestowed upon man an unprecedented control over his physical environment. It consists in technological, scientific, industrial, marketing, organizational and other revolutions which are still in progress. But revolution in the ecological realm armed man with destructive instruments of immense power. It also led to the possibility of developing extraordinary means of social control with all of its desirable and

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undesirable consequences.

On the eiconic side, modernization led to dramatic changes in man's view of himself, society and the universe. Some of the notable effects of this eiconic aspect of modernization are: "revolution of rising expectations," growth of "universal humanitarianism," *anomie*, (13) and polarization of ideologies. It is significant that the great advances in science and technology have not been matched by progress in human understanding of the nature and purpose of human life, the meaning of individual and social existence, and norms and values by which individuals and societies should direct their behavior.

The impact of these developments on social systems depends on the over-all organizational structure of these systems, especially on the distribution of effective decision-making power and on the ideologies and preferences of the decision-making power units. Although the forces of modernization might tend to change the system in a particular direction, the leadership possessing a monopoly of power can try to either neutralize or re-channel them in the desired direction.

On the ecological side, one of the most significant effects of modernization is the growing complexity and sophistication of the Soviet economic system. It suffers from diminishing returns due to overcentralization. As a result, the economy of the USSR experienced in the 1960's the following symptoms of diminishing returns: a slow-down in the over-all rate of growth, an increase of the incremental capital output ratio, a declining rate of growth in industrial labor productivity, scarcity of capital, mounting difficulties in planning, coordinating, and controlling economic activities and many other deficiencies so abundantly mentioned in the Soviet press. Referring to the overcentralization of Soviet planning, the late Soviet academician Nemchinov wrote: "Such a . . . system will act as a brake on social and technical progress and sooner or later collapse under the pressure of the realities of economic life." (14) The academician Dorodnitsyn, director of the computer center of the Soviet Academy of Sciences, said that "the planning of Soviet industrial production is now 1600 times more complicated than in 1928, whereas planning methods have remained largely unchanged." (15) He emphasized the necessity of a drastic overhaul of the existing planning system by pointing out that "in a growing economy the number of linkages and ties increases as the square of the number of separate elements and the difficulty of plan optimization increases even faster - at the cube of the growing number of elements." (16) V. M. Glushkov a leading Soviet math-

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ematician and director of the Ukranian Institute of Cybernetics, concluded that if present-day methods of planning and administration do not change, by 1980 the volume of planning work would increase by 3600 percent and would occupy the entire adult population of the country. (17)

The difficulties caused by the growing complexity of the Soviet economic system are compounded by the proliferation of priorities. To the few priorities of the Stalinist era are added many others such as chemicals, fertilizers, electronics, plastics, light industry, consumption goods, housing, communications, transportation, etc. As a consequence, the system is confronted with the serious problem of numerous conflicting priorities for scarce resources. This means that there is less cushioning for errors and inefficiencies and expansion must take place in areas in which additional investment does not promise a high rate of return. Moreover, proliferation of priorities has increased the degree of centralization since each new priority has brought into existence controls over previously neglected sectors.

The Soviet government is facing an inescapable dilemma. The leaders are fully aware that economic reform is badly needed and that this reform must be extensive and thorough going. But since the strength of the regime is based on monopolizing political and economic power, any relaxation of controls needed to improve economic performance holds the danger of diminution of political control and erosion of political power. Economic decentralization might lead to a potential struggle for political decentralization. Soviet leaders fear that if " a system of far-reaching reforms is instituted in the economy, there is no advance assurance . . . that such a process of transformation would not disrupt the whole intricate web of centralized control levers that makes up the authoritarian political system of the USSR". (18)

The dilemma is aggravated by the dynamic aspect of the change. The reforms, once introduced, tend to have their own momentum. Where does one stop once the change is introduced into such a system? A rather healthy survival instinct of the communist hierarchy stands in the way of extensive changes needed to improve the economic performance of the Soviet system.

No matter how persuasive the theoretical proofs of superiority of decentralization, the political implications of the proposed reform would probably remain decisive. Here, it is important to stress that "the mathematical economists and other advocates of reform do not always see the distinction between their new, rigorously proved models and economic policy which must be exogenously determined." (19)

Without decentralization of the decision-making processes, the Soviet

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system will increasingly become subject to what Boulding calls the "Brontosaurus principle," (20) or decreasing return to scale due to complexity rapidly outrunning the ability of the central administration to cope with it. But for political as well as ideological reasons, decentralization is permitted only on a limited scale at the level of management of individual enterprises. The over-all planning and control system remains centralized. However, the leaders view "computerization" as a means to improve the performance of central planning agencies. Gruchy was correct when he made the following prediction:

> As the Soviet planners perfect the computerization of their economy they will develop . . . an "electronic market" rather than a Western style free market. This Soviet electronic market will imitate the perfectly competitive market but within the framework of a collectivized communist economy, which will be dominated by the communist party of the Soviet Union and not by Western-style consumer sovereignty.(21)

This can be expressed in terms of modernization. Soviet leaders attempt to offset the modernizing forces leading toward greater complexity and interdependence (and thus requiring undesirable decentralization) by computerization, also a product of modernization.

The eiconic aspects of modernization are also significantly affecting the Soviet system. Even a closed society like the USSR has felt the impact of the "revolution of rising expectations." This is reflected in the longing of the people for a higher standard of living, more individual freedom and more participation in economic and political decisions affecting their country. But communist ideology and the priority of goals set by the rulers stand in direct conflict with these aspirations of private citizens. From the point of view of the leaders, these yearnings are clearly "capitalistic." Practically, the fulfillment of people's desires in these areas would mean a return to market economy and opening the way to "consumer sovereignty." But to expand consumer sovereignty means to restrict "planners' sovereignty." (22) This is not likely to happen because it would jeopardize the Kremlin's control over the party and the state, and would make the attainment of their ultimate goals more difficult.

This is at least a partial explanation of why the hope of some scholars, that the Soviet Union is moving toward the introduction of a market economy guided by private profit motive, has not been fulfilled. A market economy has not been established and the profit concept used in the USSR is a profit for the state, not for private enterprise. It is used as an accounting tool

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to improve efficiency of production. Some limited experiments in market research – to relate production to consumer demand – have not led to a general acceptance of demand-directed production. The primary purpose of these measures was the desire to reduce the quantity of unsold goods, a phenomenon which has plagued several Soviet enterprises in recent years. The growing desires of the Soviet population for improved consumption has not been met by the restoration of market and consumer sovereignty but by efforts to improve collective consumption. Gruchy aptly described this policy:

> Unlike the political leaders of the US, who are dedicated to the continued expansion of individual private consumption, the Soviet leaders are out to collectivize Soviet personal consumption. The "full communism". . . is to be society in which consumption is to be highly collectivized. The affluent Soviet citizen of the future under full communism will not own a detached house, drive a foreign car, clothe his wife with a Paris gown and his children with "mod" apparel . . . Nor will the affluent Soviet dweller . . . spend the holidays on the sunny coast of Southern Spain. To the contrary . . . the Soviet citizens are mainly to live in flats, to eat in restaurants or communal halls, to use municipal transportation, to spend their evenings in palaces of culture rather than night clubs and to go on guided tours to Leningrad, the Black Sea or Samarkand. (23)

Ward gives the following account of the fate of the reform in Eastern Europe:

> Today discussion of Eastern Europe centers around the stalling of the reform, the strong tendencies everywhere to postpone decisions on reorganization, or to eliminate the more radical proposals. The vision of developing market socialist economies throughout this area, including the Soviet Union, seems to be fading, and the reasons are everywhere the same: not so much fears that the reform won't work or the inability of reformers to agree on a program, but rather fears that the political consequences of reforming may be unacceptable to the present leadership, that in some fundamental way markets and Communist parties don't mix. (24)

In terms of the theoretical frame of reference: the preferences of those favoring reforms leading toward liberalization were in conflict with the preference functions of those in control of economic and political power. Ideological and political preferences of the party leaders triumphed over economic logic. Preferences of the proponents of reform were rendered inef-

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fective.

Modernization and Convergence Thesis (25)

All convergence theories raise the important question of whether diverse socioeconomic systems are subject to internal and external forces which are causing them to move toward some kind of a "common optimal pattern of economic organization". (26) Considerable disagreement exists among theoriticians as to whether convergence will really occur. At the extremes are those who claim that convergence is either *certain* or *impossible*. Between these two extremes are those who state that the convergence is *neither certain nor impossible*.

Ironically, both classical economists and Marxists have advanced theories predicting certainty of convergence. The classical school created its own convergence thesis "a la Ricardo" according to which all mature economic systems tend to become stagnant and stabilize at a low level equilibrium called "stationary state." This view was shared by John Stuart Mill who considered such a state of affairs desirable. Communist theoreticians believe in their own version of convergence "a la Marx," which indicates that all capitalist systems will eventually "wither away, and the people in formerly capitalist countries will then peacefully reject capitalism and accept communism". (27) This view goes further to assert that in the long run – though there are different roads to full communism – all communist countries will converge to the same general socioeconomic pattern. Since a theoretical convergence of this sort does not seem to work in practice, communists attempt to achieve it on their own terms by the use of force. Most scholars in the West reject this type of theory. They properly identify it as an exercise in teleology defined as a theory based on the assumption that all socioeconomic systems inexorably follow the same path of development leading toward an historically predetermined goal.

But there is also a modern Western version of certain convergence. It is shared by some liberal scholars in non-communist countries. It could be called convergence "a la Galbraith" in honor of its most distinguished proponent. Briefly, this theory claims that the requirements of modern technology and the increasing complexity and sophistication of socioeconomic systems mold both command and market economies in such a way as to produce what Galbraith calls " a rather indistinguishable melange of planning and market influences." (28) Wiles, who is not convinced by this liberal version

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of convergence, lists one "strong" and two "weak" cases for convergence. (29) The strong case consists in the contention that the new rational methods of economic planning will supercede both a rigid centralized planning based on physical allocation and the free market. The weak ones listed by Wiles are: 1, belief that reason will eventually triumph over dogma; and 2, the assumption that affluent societies are becoming more similar and more tolerant. Wiles argues against these cases. Even if the basic tendencies described in the arguments for convergence were properly identified, it would still be a fallacy to claim that convergence is inevitable. The mere fact that these tendencies exist – be they strong or weak – does not assure us of the ultimate results claimed. The decisions and actions of those with decision-making power in the Soviet Union can either reinforce these tendencies or counteract them and prevent the outcome which otherwise could have been attained. Without an assessment of the crucial relationship of power and the preferences of decision-making units within an organizational system, no adequate prediction is possible.

At the other extreme in the controversy over convergence, there are two theoretical models. First, the Monnerot-Brzezinski model rejects the possibility of convergence because it considers communist ideology a decisive force which will prevail over all other considerations and thus will prevent convergence. (30) Second, Lebed claims in his model that true liberalization of the Soviet system is impossible. Since the whole Soviet system is "a political dictatorship like any other, maintained by and for the benefit of the . . . elite," any reform which could potentially lead to diminution of power of this elite would inevitably cause resistance to it. Since the elite hold the monopoly of all economic and political power in the country, no forces working toward real convergence would be permitted to operate. (31) These two authors assign overwhelming weight to only one factor although in each case the factor is different. Their conclusions are based on the belief that a single powerful factor will prevail and therefore, prevent all other possible outcomes.

The two extreme positions depict the range of possibilities within which the development will in reality take place. But the greatest measure of realism is approached by scholars who, like Olgin, state that convergence is neither impossible nor inevitable. The outcome will depend on the relative strength of forces working for and against it. For Olgin, liberalization in the Soviet Union depends on the outcome of the struggle between the two revolutions. The old Marxist-Leninist "revolution from below" is inspired by two basic forces:

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> . . . first, the instinct of the individual to improve his own living conditions before thinking of the Marxist "collective", the instinct to acquire and hold goods and money, to secure the greatest possible personal gain for the effort spent; second, purely technical requirements of complex industrial organizations, particularly those of today. (32)

These two forces are endangering the monopoly of the political and economic power held by the rulers and challenge the correctness of the Marxist-Leninist ideology. Given the disparity of power of the contestants in the struggle, the only hope for the "revolution from below" is the possibility to win support from some members of the ruling group itself. This might happen if a significant decline in the over-all economic efficiency of the system would imperil the attainment of the basic goals set by the rulers.

Effect of Modernization: Two Revolutions in Conflict

While some forces of modernization are at the very roots of "the revolution from below," several other attainments of modernization can help those supporting the "revolution from above." Thus, communist leaders use advanced electronics the fruit of modernization, to improve their centralized planning machinery. If this action can offset diminishing returns to over-centralization, the need for liberalization and decentralization of the system would diminish returns and with it hopes for convergence. The other real force for convergence — requirements of human nature expressed in the revolution of rising expectations — can also be weakened by re-channeling it into the direction of collective consumption. The use of rapid advance in technology provided by modernization can improve both the quality and quantity of collective consumption.

The choice of computerization and collective consumption as practical solutions to the dilemma posed by the need for reform fits into the concept of "limited regret strategy," a term coined by Neuberger meaning a cautious strategy motivated by risk aversion. (33) Such a strategy requires the assignment of higher weights to the expected values of undesirable outcomes than to desirable ones. Modernization, manifested primarily in two "revolutions from below," is a real force for change and could lead to non-Marxist convergence. The risk of both permitting it to operate or suppressing it is overwhelming and the leaders of the USSR are aware of it. The least risky course of action is to redirect and rechannel the real forces for change to a direction acceptable to the leaders. And that is exactly what they are doing.

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Economic decentralization harbors the danger of political decentralization which the leaders cannot accept. Computerization, as the answer to diminishing returns to over-centralization, might not solve the whole problem, but involves no political risk and, if successful, will lessen the pressure for reform. For the Kremlin's leaders, the risk of yielding to popular demand for improvement of individual consumption is overwhelming. However, doing too little to improve the standard of living of the populace is also risky. The least risky course of action is to improve collective consumption. It is in harmony with communist ideology and it does not put consumers in the position of deciding, through the market, on *what*, *how* and *for whom* the goods and services are to be produced.

The policies of the Soviet government disappointed those scholars in the West who believed that the strong forces of modernization would move the Soviet system toward inevitable convergence. The predictions based on these hopes turned out to be incorrect. Such an error in prediction can be explained by at least two reasons. First, it is wishful thinking to believe that if – in the opinion of the scholar – a system *needs* a particular reform, that therefore it *must* occur. Second, their analysis ignored the most relevant strategic variables and their relations within the system. In general, it is impossible to make a correct prediction as to the direction and outcome of change in a complex socio-politico-economic system without taking into account the over-all structure of its decision-making power. More specifically, in making a judgement about the impact of a given modernization force, a scholar must take into account the preferences of those who control economic and political power. They might either encourage or discourage or perhaps, re-channel the forces working for modernization. Any omission of such factors as ideologies, value systems and the preference functions of those controlling power, will inevitably lead to an unrealistic appraisal of the situation and most probably, to spurious predictions.

Though this study is primarily concerned with the effect of two basic forces of modernization – growing complexity and sophistication of the Soviet system and "the revolution of rising expectations" – on the Soviet Union, several other very significant aspects of modernization must be briefly mentioned. In the process of modernization, the USSR developed a weapon system comparable in its destructive force to one in possession of its rival power, the USA. It is reinforced by the fact that scientific and technological advances have not been matched by comparable progress in the knowledge of the nature and purpose of human life itself. This development has

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contributed to the polarization of ideologies and the inability of great powers to reach fundamental agreement on the crucial issues of war, peace and international cooperation.

On the positive side one modern phenomenon deserves attention: The growth of "universal humanitarianism," or the recognition by thinkers, philosophers and men of science and art, that the continued division of mankind in the face of potential annihilation provided by technological advance, harbors overwhelming danger. Concerned people all over the world share this recognition and hope that the universal understanding of this problem will spread in the same manner as "the revolution of rising expectations." But to be effective, this "charismatic power" of ideas must be used to affect the preference functions of those in power. Undoubtedly this force of universal humanitarianism is also in conflict with Marxist-Leninist ideology which does not tolerate any convergence other than the one predicted by Marx.

Summary and Conclusions

Neither the Marxist-Leninist nor the Ricardian convergence theses have been substantiated by subsequent historical development. Instead, the world today is shaped and molded by so-called forces of modernization. Their influence is felt in both, communist and non-communist countries. The distinction is made between ecological and eiconic aspects of modernization. The ecological revolution leads socio-politico-economic systems to a higher degree of complexity and sophistication and creates the problem of balance between centralization and decentralization of planning and control.

The eiconic aspect of modernization is manifested primarily in "the revolution of rising expectations" consisting in global dissemination of the idea that all human beings have an inherent right to some minimum standard of living worthy of human dignity and that human institutions can be changed, if necessary, to attain a higher quality of life for the people.

These two forces work for real convergence in the world. In some Western quarters this is accepted as sure proof that convergence is inevitable. However, such a conclusion ignores the distribution of decision-making power within a modern highly organized social system. It also ignores the ideologies and preferences of those who control this decison-making power. In the Soviet Union modernization forces working for convergence are in conflict with those interests of leaders in control of power who support their own Marxist-Leninist revolution. Since goals set by the Marxist-Leninist ide-

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ology are in conflict with modernization forces, the forces for convergence can be neutralized.

The outcome will depend on the relative strength of the two revolutions: the revolution from below and the revolution from above. The former flows from the revolution of rising expectations and from the technical requirements of a highly complex and sophistical industrial system. The latter clings to the tenets of Marxist-Leninist ideology. The outcome of the struggle is uncertain. So is the future of convergence: it is neither certain nor impossible.

Perhaps, ironically, long-range development in the Soviet Union can be interpreted in terms of Marxist dialectics. The forces of suppression use the machinery of totalitarian control to promote the cause of Marxism-Leninism (thesis). By doing so they prepare the way for their own eventual destruction. They foster resistance by sacrificing on the altar of absolute political control both, human yearnings for individual freedom and the essential requirements of a complex industrial society (antithesis). And only the future can tell what kind of a new order (synthesis) will emerge from this perennial struggle.

Yet, as it stands now, the forces working for convergence are outflanked, outmaneuvered and outwitted by Soviet rulers who know how to use the methods provided by modernization itself to re-channel modernization forces supporting the revolution from below. Thus, politically undesirable decentralization is substituted by computerization of the planning and control system and the desire for a higher standard of living is partially met by efforts to improve social or collective consumption.(34)

(1) Oleg Zinam, "The Economics of Command Economies," *Comparative Economic Systems*, Jan S. Prybyla, Editor. (New York: Appleton-Century-Crofts), 1969 and "Interaction of Preference and Opportunity Functions and Long-Range Economic Development," doctoral dissertation University of Cincinnati, 1963.

(2) Oleg Zinam, "The Economics of Command Economies," *Op. cit.*, p. 35.

(3) Max Weber, *The Theory of Social and Economic Organization*, Transl. by Henderson and Parsons (New York: Oxford University Press), 1947, p. 152.

(4) Oleg Zinam, "Theory of Discontent: Heart of Theory of Economic Development," *Rivista Internazionale di Science Economiche e Commerciali*, Padova, Italy, Anno XVIII, November 1971, p. 1113.

(5) Talcot Parsons, *The Social System*, (Glencoe I11: The Free Press), 1954, pp. 266-268.

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(6) Daniel Bell, "Ideology and Soviet Politics," *Slavic Review*, Vol. XXIV, Number 4, December 1965, p. 593.

(7) Constantine Olgin, "Ideology at the Crossroads," *Bulletin* Vol. XV, Marc 1968, No. 3 (Munich, Germany: Institute for the Study of the USSR), p. 57.

(8) C.E. Black, *The Dynamics of Modernization: A Study in Comparative History* (New York: Harper & Row), 1966, p.6.

(9) *Ibid.*, p. 7.

(10) John H. Kautsky, *The Political Consequences of Modernization*, (New York: John Wiley & Sons, Inc.), 1972, p. 20.

(11) *Ecology* — "a term coined by Haekel, the celebrated German biologist, in 1878; its root is the Greek *oikos*, a house, which is also the root of the kindred word economics. Economics is used only in human affairs; ecology is really an extension of economics to the whole world of life." H. G. Wells, *The Science of Life*, Vol. III, p. 961.

(12) *Eiconics* — a term coined by Kenneth E. Boulding to depict the new science dealing with subjective systems of images. It overlaps with the Kantian concept of phenomenal world and means the totality of subjective representations of outside (noumenal) reality in the mind of people. Kenneth E. Boulding, *The Image* (Ann Arbor, Mich: The University of Michigan Press), 1956, pp. 148 & 155.

(13) *Anomie* — a term coined by Emile Durkheim, French sociologist, meaning normlessness. Parsons defines it as a "complete breakdown of normative order." Talcott Parsons, *The Social System* (Glencoe I11: The Free Press), 1954, p. 39.

(14) *Kommunist*, 1964, No. 5, pp. 76-77.

(15) *Izvestia*, May 15, 1963.

(16) I. H. Muminov, Editor, The Preface, *Matematicheskie Metody i EVM v Ekonomicheskikh Issledovaniakh*, Tashkent, 1965, p.7.

(17) Literaturnaya Gazeta

(16) I. H. Muminov, Editor, The Preface, *Matematicheskie Metody i EVM v Ekonomicheskikh Issledovaniakh*, Tashkent, 1965, p.7.

(17) *Literaturnaya Gazeta*, September 25, 1962.

(18) Joint Economic Committee, U. S. Congress, *New Directions in the Soviet Economy*, Washington, D.C., 1966, pp. X-XI.

(19) Vladimir G. Treml, "Revival of Soviet Economics and the New Generation of Soviet Economists," *Studies on the Soviet Union*, Vol. V., Number 2, 1965 (Munich, Germany: Institute for the Study of the USSR), p. 20.

(20) *Brontosaurus principle* — "The size of organization is ultimately limited *internally* by the inability to devise further compensations for the inadequate proportions of the communication system." Kenneth E. Boulding, *The Skills of the Economist* (Cleveland, Ohio: Howard Allen, Inc.), 1958, pp. 79-80.

(21) Allan Gruchy, "The Convergence Thesis: Myth or Reality?" Proceedings of the National Association for Comparative Economics Meeting, San Francisco, Calif., Dec. 27-29, 1966, p. 52.

(22) ". . . a socialized economy, with its logical choices of social goals and pricing to achieve them, cannot exist without interfering with either the freedom of consumers' choice or the freedom of occupational choice, or both . . . if. . . individual actions are left

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'free' . . . some sort of aggregative behavior will result, but no planned social goals will be possible." Wm. N. Loucks, *Comparative Economic Systems*, (New York: Harper and Row) 1965, p. 269.

(23) Allan Gruchy, *Op. cit.*, p. 52.

(24) Benjamin Ward, "Political Power and Economical Change in Yugoslavia," *American Economic Review*, May 1968, p. 568.

(25) The framework for analyzing the convergence thesis is developed in greater detail in Oleg Zinam, "Convergence Hypothesis in the Light of a Functional-Structural Analysi," *Rivists Internazionale di Scienze Economiche e Commerciali*, Anno XVIII, July 1971.

(26) Allan Gruchy, *Op. cit.*, p. 50.

(27) *Ibid.*, p. 51.

(28) *Ibid.*, p. 51.

(29) Peter Wiles, "Will Capitalism and Communism Spontaneously Converge?" Morris Bornstein & Daniel R. Fusfeld, *The Soviet Economy* (Homewood, I11: Richard D. Irwin), 1966.

(30) Jules Monnerot, *Sociology of Communism*, Jane Degras & Richard Rees, Transl., London, 1953, and Zbigniew Brzezinski, *Ideology and Power in Soviet Politics*, New York, 1962.

(31) Andrei Lebed, "The Soviet Administrative Elite: Selection and Deployment Procedures," *Studies on the Soviet Union*, Vol. V, No. 2, (Munich, Germany: Institute for the Study of the USSR) 1965.

(32) Constantine Olgin, "What is Soviet Ideology?" *Bulletin*, Vol. XII, No. 7, July, 1965 (Munich, Germany: Institute for the Study of the USSR), p. 15.

(33) E. Neuberger, "International Division of Labor in CEMA: Limited Regret Strategy," *American Economic Review Proceedings*, May 1964, p. 511.

(34) Several other forces of modernization were mentioned but left out of the analysis in order to limit the scope of this paper. Such crucial developments as polarization of ideologies and the rise of "universal humanitarism" have to be taken into consideration in an analysis of much broader scope. The same applies to the peril of thermonuclear annihilation as a potential force for convergence.

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ITALY: PERMANENTLY ON THE BRINK?

Senator Mario Tedeschi

The crucial elections of June 20 1976 in Italy, have allowed the Communist Party to gain a few percentage points, but they did not change the specifications of the problem: roughly a third of the Italian electorate was and will be represented by the Communists. Only on this assumption can we properly understand current and impending events in Italy, or hope to be able to forecast the future with any degree of accuracy.

Italian Communists, like their comrades in other countries of the world, have a particular understanding of the concept of "majority rule". In our free world, the word "majority" has a precise meaning, politically as well as mathematically: majority means 50% plus. However, this is by no means so so for the Communists. According to their master Lenin, who in 1917 taught them: "It is naive to expect that the Bolsheviks obtain an explicit majority: Never before, has a revolution expected such a thing". Louis Fischer, a famous American writer who knew Lenin well, wrote in *The Life of Lenin* his biography of the great leader (published 1964; Harper and Row):"Lenin wanted a balance of power based on the following premise: it is sufficient for the Communists to achieve a majority of the working class. Once they do this, they have greater rights than the majority of the entire population of the land."

This is why the Italian Communists, although they can count only on a third of the votes in a free election, feel entitled to impose their ideas and their will on the country at large. This is the Communist "legitimacy of power".

The communists have followed a very soft line in the last few years in order to achieve their goal – the so-called 'compromesso storico' – the historic compromise – it was Enrico Berlinguer, the Secretary of the Italian Communist Party who proposed this slogan in 1973.

King, the former friend of Mussolini, and

novelty. Yet the plain facts are that his party adopted this policy as early as 1944.

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The Secretary of the Party, Palmire Togliatti, was then employed by the Comintern as Stalin's 'confidence man.' It was Togliatti who, during the Civil War in Spain, acted as Stalin's representative and was responsible for the massacre of the Spanish anarchists. After his arrival in Italy, Togliatti assumed a very gentle behavior. In 1944, the other anti-Fascist Parties persisted in their refusal to collaborate with the Monarchy. Not Togliatti, who decided on an upset: he participated in a government suggested by the King, the former friend of Mussolini and this started the first real 'compromesso storico". But Victor Emmanuel III and his heir Umberto II, paid dearly for this deal. Two years later, a constitutional referendum abolished the Monarchy. Victor Emmannuel III died in Egypt and his son lives in exile in Cascais, Portugal.

Immediately after the liberation of Rome by the Allied troops in May 1944, Palmiro Togliatti held a meeting and gave directives to the Communist delegates: "we must absolutely collaborate with the Catholics. This is our main strategy!" Togliatti was even willing to also reach an understanding with the former Fascists. Indeed, it was Togliatti who, acting in his capacity as Minister of Justice, enacted the 1946 amnesty which practically liberated all fascists jailed at the end of the war. Only a handful remained in custody but gained their freedom after a few years, thanks again to Togliatti's instructions.

It is obvious then that the policy of an 'historic compromise' and of a collaboration, of "detente" with the Catholic middle classes, is not new. It is a policy that was dictated by Stalin and has been in effect since 1944; that is, when Stalin was still alive and was imposing his directives. So that to speak of a new and different Italian form of Communism, opposed to that of the Stalin era, is an absurdity. It is political nonsense.

I am sorry to say that this policy of "going along with the Communists", had weighty complicity right from the start among the Italian Catholics. For a better understanding of the Italian situation today let's go back in history: Fascism was still in power when the first "Christian Communist Party" was founded in 1942 inside the "Italian Catholic University Federation." The Chairman of this organization was Aldo Moro, who is today the head of the Italian Government and one of the leaders of the Catholic Party known as "Democrazia Cristiana". It was Moro who in 1960, as Secretary-General of his Party, betrayed the center-right coalition to start the "centro sinistra", a government depending on the Socialist and other Leftist formations, the same Moro who a few weeks ago was accused by this former

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ally, De Martino, General Secretary of the Socialist Party, of having deserted the Socialists because he preferred to govern with the reds.

The Clerical Referent of this "Catholic University Federation" of 1942 was Monsignor Giovanni Battista Montini, today, Pope Paul VI. Let us keep in mind that this was under a fascist regime, and that Montini was the collaborator of Aldo Moro.

If we peruse the list of dues-paying members of this organization we find way back in 1942 the same individuals who are today lobbying for the "historic compromise". May I be permitted to mention the "odd couple": she, Signora Cinciari, representative in the Italian Parliament of the Italian Communist Party, and he, her husband – Franco Rodano, leader of the Catholic Left-wing favorable to a collaboration with Berlinguer. We will encounter Adriano Ossicini, now a Senator of the Communist Party. We will find Antonio Tato, chief of the Press Office of the same Party and right hand of Berlinguer. During the Mussolini dictatorship, the "Underground Communist Party" affiliated with the Komintern, was animated by two young intellectuals who defected from the Fascist Party to join the clandestine movement: Mario Alicate and Pietro Ingrao. Until his death the former was a close friend of Togliatti, perhaps his closest friend; the latter is an influential member of the Politbureau of the Communist Party.

Around May 1943, a few weeks before the fall of Mussolini, the Italian police arrested all the leaders of the "Christian Communist Party". Aldo Moro and his friends called on the Vatican to request the Duce to release the accused, or at least to give them a mild trial. Mussolini, eager to please Pope Pius XII, agreed to free the dissidents. They left jail on July 7, 1943 – twenty days before "the coup d'Etat" of July 25th. All of this can be proved without the slightest doubt by documentation I have discovered and published in Italy.

Thus, the policy of a "cartel" between Communists and certain Catholics is by no means new. The men who are today playing leading roles on the stage of Italian politics are by no means new also, they are the same men of thirty years ago. They have their own bible, a booklet entitled "The Church and the Communists", now hard to obtain, written in 1945 by a Father Buonaiuti, a well-known theologian who was censured 'a divinis' . His thesis is easy to read:"A Christian is born a Communist and Communism was born as Christianity."

These prophetic words became a reality when Pope John XXIII received Adzubei, the son-in-law of Chairman Nikita Khruschev, in a private

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audience. It was no coincidence that a few weeks later the Communists gained over a million additional votes in the local elections. One finds these prophetic words in the speeches of many Catholics now running as candidates of the Communist Party. Let me quote from a letter addressed by one of these Catholic defectors to the voters of Sicily:"We found in the Communist Party, a guarantee of freedom for all, freedom to choose a way of life, freedom to have, to express and to defend our own ideas, freedom of religion."

Such statements are so completely opposed to the political reality, that even genuine Communists do not dare to repeat them. One must conclude that Catholics turned Communist are more zealous than traditional Marxists.

These deep links between the Communist and Christian-Democratic Parties are, and will remain, extremely dangerous. Let us recall that the Christian-Democratic Party is the political arm of the Italian Catholics. The danger for Italy, and also for the rest of the Free World, is the possibility of a cooperation, a fusion, of both parties – Demochristians and Communists. We do remember that Communists and Christian Democrats agreed to form a government together almost immediately after the Americans landed in Sicily and at Salermo. The same day that Allied soldiers set foot in Rome, Signor Alcide De Gasperi called a meeting of his supporters and offered full cooperations to Palmiro Togliatti, the Communist leader just arrived from the Soviet Union.

"Jesus Christ was a Jew, Karl Marx was a Jew. It stands to reason that we should be friends," argued De Gasperi, stressing the same theme as Buonaiuti, the unity of Judaeo-Christian and Communist traditions. He changed his mind in 1947, only when the United States offered Marshall Aid in return for a break with the Communists. Documents in the custody of the National Archives in Washington D.C. substantiate this.

On January 3, 1947, Alcide De Gasperi, Premier of a Cabinet with Communist and Socialist participation, left Rome for Washington. On January 17, he returned and stated: "that the purposes of my journey have been met". His Cabinet resigned. On February 2nd, De Gasperi formed his third government, still with two Communists and three Socialists. It was only an expediency. After a few weeks, a new crisis and finally, on May 31st a fourth Cabinet, this time without Communists and Socialists. Five days later, Washington proclaimed officially the start of the "Marshall Plan".

This timetable shows that the "Democrazia-Cristiana" did not become anti-Communist by persuasion. They opposed and defied Communism *only*

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when the United States and the Vatican said "No". Yet, when the United States changed its policy toward the Soviet Union, seeking "co-existence" and detente, then immediately, the Christian Democrats, with the support of the Vatican, reversed their anti-Communist stand.

We deal with two consequences of such a state of affairs. First: there was a collaboration between Christian-Democrats and Communists, a hidden collaboration at the time the Communists were officially in the opposition. An open collaboration now, obviously, since the Catholics did not oppose Communism except when encouraged to do so by a foreign power – largely because there has been much Communist infiltration of the Christian Democratic ranks for obvious reasons and with obvious intentions.

As a result, we find that the economic policies of the Christian Party have tended to be remarkably parallel to the goals of the Communists. Concepts which may be weakly disguised in terms of "a welfare society" have been supported to the point that they facilitate communization . Thus, Don Sturzo, the founder of the Christian Democratic Party, said on return to Italy from exile in the United States that Christian Democrats were "the statesmen of the poor people – of those in want" By comparison, Professor Giorgio La Pira went much further. So we find the former mayor of Florence, also a Christian Democrat, talking to a reporter of the "Gazzetta del Popolo," saying:"there is no alternative, we Christian Democrats have to

Thus, after 1969, thanks to the actions of Christian Democratic Ministers, the pro-Communist and unique Confederazione Unitaria had a com-Chi-Minh and was always a friend of the Soviet and Communist worlds.

As a result of all this, Italy is today a country with a practically *socialist* economy. The participation of the Government in industry is gigantic. State monopolies are everywhere. The monetary policy is pushing credit on the Socialist street. The State is relentlessly giving away huge subsidies without any hope of return. Loans are not granted according to sound economic principles, but to satisfy political designs. For example IRI (Istituto Ricostruzione Industriale), the important government agency, was created by Mussolini to coordinate Italian industrial activity. A certain Benduce, a former Socialist converted to Fascism like Mussolini, organized this form of Government control over private initiative. After the fall of the Fascism, Italy did not revert to a private economy, but extended the power of IRI.

Thanks to IRI, and other similar groups. the Italian State has the monopoly of the *media*: Radio, Television, many newspapers and also controls the Petroleum Industry, Electricity and other sources of energy. The Christian

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Democrats have built an Italy much further away from a free economy than the Fascists one ever was, at the time striving for self-sufficiency. Moreover, the Bank Credit regulations remain the same as they were in 1933. They are totally inadequate and opposed to the sound requisites of a free economy.

Another common point of agreement between Communists and Christian Democrats, is their refusal to grant freedom of action to Workers Unions. Immediately after 1945, a closed-shop Union was organized, but soon the Communists were able to dominate it. Only in 1947, after the breach between Demochristians and Communists brought about by United States diplomacy, did the Catholic Unionists secede from their colleagues and form CISL (Confederazione Italiana Sindacati dei Lavoratori). Communists and Socialists remained in the CGIL (Confederazione Generale Italiana del Lavoro) and the Liberals, on the right, organized themselves in the UIL (Unione Italiana del Lavoro). After the secession, CISL and UIL received enormous subsidies from American Labor unions. Wasted dollars . . . because as soon as the Christian Democratic Party participated in a Government of the "Centro-Sinistra" (left of center), both independent Labor Unions financed by the Americans – CISL and UIL – joined the Communist Union. They started a new organization: "a United Labor Confederacy".

In the autumn of 1969, when a wave of strikes and violence inspired by the Communist Party paralyzed life in Italy, the Government decreed the "United Labor Confederacy" as the only valid interlocutor, as the only legitimate representative of the workers. This was nonsense, because only 20% of the labor force is included in this Labor Union. There are many other independent Unions, one of which is the CISNAL (Confederazione Italiana Sindacati Nazionali dei Lavoratori).

Thus, after 1969, thanks to the complicity of Christian-Democratic Ministers, the pro-Communist "*unique*" Confederazione Unitaria, had a complete monopoly in the field of labor bargaining. The Boss Luciano Lama, is a Communist. A tyrannically directed economy, an authoritarian Labor Union that is Communist inspired, misusing the trust of the workers, using strikes as a political weapon, easily explains why Italy is today on the brink of chaos. On the one hand, the Ministry of the Treasury is wasting billions. On the other hand, the "Union" is asking for greater salaries and less work. The results are horrifying.

In his annual report of last May 31st, 1976, Dr. Paolo Baffi, Chairman of the Board of the Bank of Italy stated that the Italian is in a "state of Siege". In other words: "a Communist economy". Dr. Baffi also said: "In the six

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years running from 1970 to 1975, the labor cost per unit of production in Italian industry has risen 137%. The comparison with other major industrial countries is hair raising! Only 29% in the United States, 40% in Holland, 43% in West Germany, 51% in Belgium, 75% in France, 84% in Japan and 107% in the United Kingdom. At the same time, monetary circulation as a result of Government spending rose 238%, as against 48% in the United States, 187% in Japan and only 6% in West Germany.

It is obvious that the responsibilities for the crisis of our currency — the disaster of the lira — belong to the Christian Democrats with their excessive expenditures and the continuous spiralling of the inflationary wheel. And, not least of all, to the Communists with their abuse of Union Power which they control. Both Parties are subordinating the technical needs of the country to their own political interests, thus acting very differently as compared with Democratic Parties anywhere in the Free World. That is, Communists and Demochristians share the same Marxist dogma expressed by Chairman Mao in the following sentence: "Ideology and politics are in command". It is obviously impossible for them to return to an economy which obeys the laws of the market and the rules of a free exchange. We are now passing the point of no return. As I said before, Italy, economically and socially is almost a Socialist structure, very much like those in lands behind the Iron Curtain. Only the top of the building is missing: A Government with Communist participation also.

We may digest our expose into three points:

1. The Communists, because of their special conception of majority rule, and having the majority of the working class in their favor, believe they are entitled to impose their will on the whole of Italy.
2. The Christian Democrats, who may be regarded as the political arm of the Italian Catholics as currently organized, oppose Communism only when encouraged to do so from America or some other strong foreign power which may support then.
3. The Demochristians are not by nature directly opposed to Communism. On the contrary, they have many affinities with the Marxists, especially in the economic and social fields.

Starting in 1969, and more precisely after the "hot" autumn of the strikes and riots, as soon as the governing Christian Democrats started looking for a "modus vivendi" with the Communists, enabling them to control the mobs, the Communist Party ceased to oppose them actively. First they spoke of some form of "constructive opposition" and then, of a kind of

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"incentive opposition". It was a means to hide the simple fact, that the Government and the Reds had reached a secret agreement, an "understanding". Consequently, all major legislation voted in the last six years was first discussed and agreed upon by a joint committee of Demo-Christians and Communists. Officially the Communists were excluded from the Government but in reality they participated directly in it, and no legislation was passed which did not have their support and which was not in their interests.

This policy was not, and is not, accepted by the rank and file of the Communist Party. Only part of the leadership is solidly with Berlinguer and his policy, for the lower levels of Party workers are restless. They do not want to wait longer. Soon the Communists may force the Christian Democrats to choose sides openly in these terms: "We represent a third of the Italian electorate and the majority of the proletariat. For the last five years, we have helped you, we "played" opposition, but the game is over. We want to share the advantages of power. Our followers are no longer prepared to accept such a state of affairs. The alternative is clear: we are accepted into the Government and we are included in the majority, or, we return to a serious, hard, violent opposition. Remember the strikes of 1969!" This will be the Communist ultimatum.

The Christian-Democrats could hardly resist unless they are encouraged to do so by the United States. There are too many people who are patronizing a "rapprochement" with the Communist and a policy of detente. Too many people who believe in the saga of "euro communismus". A policy of detente with the Soviet Union, a trust in "eurocommunism" will in my opinion destroy the efficiency of NATO.

How to avoid the brink? To unite and to oppose this dangerous cooperation between Marxists and Catholics. Only a government of the center and the right could do this. The path is a difficult one. We need the solidarity of all Italians residing abroad. We need to remain faithful to our obligations toward the United States and NATO. But first of all we need to persuade our friends abroad, and I mean the United States in the first place, to have a positive outlook on the dangers of the "compromesso storico" and the so-called "eurocommunism" if they sincerely want Italy to be free. And only if Italy is free can the rest of Europe remain free.

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FRANK N TRAGER (editor)
Oil, Divestiture and National Security
Crane, Russak & Company, New York, 1977.

The Director of Studies of the National Strategy Information Center, Dr. Frank Trager, brought together seven specialists who illuminate the national defense considerations which must be involved in current proposals for divestiture for American oil companies. The authors show how multinational corporations who are able to bring to bear large amounts of capital and modern technology are in a much better position to compete with the power of OPEC than would a group of "mom and pop" small-scale wildcatters. They believe that cheap oil is now part of our past and that the world-wide energy crisis will get worse in the near future. They emphasize the importance of taking into account our defense needs as we plan for the decades ahead.

ROGER LeROY MILLER
The Economic Impact of U.S. Restrictions on Trade With Rhodesia: A Preliminary View
Center for Advanced International Studies, University of Miami Center in Washington, D.C., 1974.

Roger LeRoy Miller, a Professor of Economics in the Center for Law and Economics of the University of Miami, has written a short but incisive study of the effects on our economy of the trade embargo with Rhodesia which was in effect from 1967 to 1971 until it was partially lifted by the Byrd Amendment to permit importation of needed supplies of Rhodesian chrome. He analyzes in objective fashion the alternatives available to the U.S. economy.

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WILLIAM P. YARBOROUGH
Trial in Africa: The Failure of U.S. Policy
The Heritage Foundation, Washington, D.C., 1976.

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